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KEŚAVA PAṆḌITA'S

DAṆḌANĪTIPRAKARAṆAM

OR

CRIMINAL JURISPRUDENCE

(XVIITH CENTURY)

EDITED BY
V. S. BENDREY,
Lele's Bungalow, Poona 4.

1943

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PUBLISHERS' NOTE

We are glad to place this publication in the hands of the readers though some eight years after its first announcement. It is, however, to be regretted that, due to scarcity of paper, the long and detailed discourse of the editor of this book on the "Indian Criminal Jurisprudence in Ancient and Historic Times" has had to be held back awaiting restoration of normal conditions. In fact, "Daṇḍanīti" of Keśava Paṇḍita was intended to be an appendix to this discourse; but when we were compelled to keep the compose of "Daṇḍanīti" standing for over four months for want of paper, it became evident that any more perseverence would be unjustifiable. We hope to publish this important discourse soon.

Had "Daṇḍanīti" of Keśava Paṇḍita accompanied "Indian Criminal Jurisprudence of Ancient and Historic Times", it should have proved of greater importance and advantage as an illustration of the nature of the compilations of our great Hindu preceptors of the past. The value of Keśava Paṇḍita's "Daṇḍanīti" is, however, no way small as it would by itself demonstrate the administrative and cultural advance fostered by the great Marāṭhā King Śivājī while he had busied himself in hard struggles and heroic conquests for the establishment of his political and territorial supremacy in India.

The period under review is one of great social as well as political upheaval. Before the time of Śivājī, the whole of Mahārāṣṭra was steeped in ignorance. Śivājī saw that, if the national spirit is to be developed on right lines, this ignorance must be removed. He was helped in this task by learned Paṇḍitas like Gāgābhaṭa, Keśavabhaṭa and others. The masses were educated in the right spirit of religion and were uplifted socially. The seventeenth century was thus a period of social and religious renaissance in Mahārāṣṭra and we come across ample proofs of this movement in the writings of Paṇḍitas like Keśavabhaṭa and the various decisions given by the Court of Śivājī in religious disputes. The natural result of these efforts was visible in the solid support given to Śivājī and his successors by the masses in Mahārāṣṭra in the establishment of National Government.

ACKNOWLEDGMENTS

I am grateful to my friends, Prof. D. V. Potdar and Mr. P. K. Gode, for their kindly placing at my disposal all the historical material they possessed regarding Keśavabhaṭa and his works. Without this facility, it would have been hardly possible to make any advance over what was recorded about Keśavabhaṭa in my "Rājārāma-charitam". I am also indebted to Paṇḍit Shanker Shastri Marulkar of Ānandāshrama, Poona, who took so kindly all the trouble to go through my press-copy of the Sanskrit text of "Daṇḍanīti" of Keśava Paṇḍita and to make useful suggestions for its completion. Mr. R. P. Karwe, Advocate and Registrar, Government Law College and Mr. S. L. Kapadi of the Bombay Branch of the Royal Asiatic Society, made my task easy by giving me, as usual, all the help I demanded of them from time to time.

Gudi-pādawā,
5th April 1943.

V. S. BENDREY

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OR

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(XVIITH CENTURY)

The efficient and prompt administration of criminal justice is as essential and powerful an instrument of government — whatever be its form or ideal — for maintaining internal peace and order in a country as the strong military force for the security of its external affairs; and the Indian rulers in ancient and historic times have recognised the necessity of a thorough knowledge of the criminal jurisprudence of the time with the same emphasis as that laid by them on the skill in military craft.

Criminal jurisprudence includes the knowledge of the means as to the prevention, investigation and punishment of crimes along with the procedure for the prosecution of criminals. The great Hindu preceptors were not, however, particular enough to record the detailed procedure of investigation or trial of crimes. The determination of the nature and severity of crimes, as also their psychological reactions on the perpetrators themselves and the society around was the prime object of their study. They never cared to bring the fines and punishments up to the practices and privileges of their age or to describe them in terms of their practical application. In India, neither terrorization, nor revenge was ever the underlying principle of the administration of criminal justice, but the executive for the administration of criminal justice was, as ever, not free from human defects and frailties. In the course of time, the procedure for the administration of criminal justice became more and more complicated as the territorial jurisdiction expanded and the variety of crimes increased. The principles underlying

criminal administration and the details governing its procedure underwent revision as the effects of the contact of different cultures were more apparent and decisive. The kings and executive officers, therefore, looked naturally to the Paṇḍitas and preceptors well-versed in the ancient and current criminal jurisprudence of the country for an up-to-date and mature guidance.

The institution of civil and criminal justice has its origin in the idea of government that sprung from the group leadership and conduct of corporate life of the early rambling communities of ancient times. Crime was then in its infant stage and was more tempered by family affinity and tribal attachment rather than by regulation and control. This phase of life, however, changed with the increasing intermixture of different groups of settlers. The diversity of interests and rivalries among the races in contact with each other gave rise to criminal tendencies. These tendencies were nourished by the conflicting objects and achievements of different ambitious individuals. Thus the rise in crimes and the growing inclination for revenge necessitated their moderation by the adoption of a common code of precepts and admonitions. The principles and corrective actions for counteracting criminal deeds which disturbed the current social practices were determined. As these practices were susceptible to the admission of foreign influences through the contact of different cultures consequent upon invasions commerce and trade, these principles and correctives had to be reconsidered and revised periodically. This revision was, however, greatly restrained by the grip of orthodoxy on the society. Naturally the codes so framed could not be applied with equal force and rigidity all over India, and hence the students of jurisprudence were compelled to improve their system and science to suit the local conditions of their times. This improvement, however, has dominated the idea that any new departure from the established practices is always the cause of disruption and disunion in the society. Consequently only such exceptions as could not be suppressed found their way in such codes. In India, this knowledge of criminal jurisprudence has been handed down

to us through the various Smṛti and Nīti granthās and such other dissertations in the Great Epics and Purāṇās as are in the form of advice to kings on the better conduct of their lives. This literature is available for centuries before Christ; and every decade successively produced some literature of this kind. Only the most commonly accepted Smṛtis or Nītis have, however, survived. They are the sources indicating the contemporary conditions of social, political and religious structure of the country, and as such they are extremely valuable.

Mr. P. V. Kāṇe in his great work "History of Dharmaśāstra"[1] has already traced the history of the works on jurisprudence from the ancient Vedic period to the end of the eighteenth century. During this long period, several works were compiled. Some are known only from quotations and those that are extant can be classified as: (a) original works, (b) commentaries and (c) digests. Since the advent of the Muslim rule, Fatawāhs were being issued by the reigning Sultāns and Bādshāhs for the guidance of their officers in the administration of the civil and criminal justice. Although there was a cultural dissimilarity, both the Muslim and Hindu works on jurisprudence were compiled with one and the same object of preserving the structure of the society. There is, therefore, a very remarkable concordance between the two kinds of works. In practice, it appears, they showed very little or no conflict with the conventions current in the country in spite of the religious differences. In the seventeenth century, the period with which we are more concerned, several works appear to have been compiled all over India. Both Shāh Jahān and Aurangzeb issued Fatawāhs laying down certain principles to be observed in the administration of justice.[2] In the Deccan, Muḥammad Ādil Shāh issued a

1. "History of Dharmaśāstra (Ancient and Mediæval Religious and Civil Law)" by Mr. Pāṇḍuraṅga Vāman Kāṇe—Government Oriental Series, Class B, no. 6, published by the Bhāṇḍārkar Oriental Research Institute, Poona, Vols. I to III, 1930-42.

2. "Administration of Justice during the Muslim Rule in India" by Wahed Husain, University of Calcutta, Pub. 1934.

Farmān[3] directing how justice should be administered. Abul Hasan Qutbshah[4] had patronised works written by learned scholars of the time and himself took the best ways of repressing all the abuses in the State and likewise set down in writing several rules and maxims for his future government. In Sanskṛt also, we have several works written on Vyavahāra. Of these, "Smṛtikaustubha"[5] by Anantadeva, "Vyavahāranirṇaya"[6] by Gāgābhaṭa, "Daṇḍanīti" by Keśavabhaṭa, "Budhabhūṣaṇa"[7] by Śambhurājā (Saṃbhājī Rājā) and some others have survived. Both Keśavabhaṭa and Gāgābhaṭa are directly connected with the Śivaśāhī (Marāṭhā) kingdom newly established. Gāgābhaṭa wrote his "Vyavahāranirṇaya" to complete his father's great work "Dinakaro-

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3. Pp. 25–38, Vijāpurāçā Bādashāha Sultān Muhammad Ādilshāh hyāne kelele niyama, Āitihāsik Sphuṭa Lekha, "Itihāsa-Saṅgraha", Pustaka 2re, Aṅka 5vā, December 1909, by D. B. Parasnis, Satara.

4. P. 47, Part II, "An Early Life of Abul Hasan Qutbshāh", "Qutbshāhī of Golcondah in the XVIIth Century" by V. S. Bendrey, B.I.S. Maṇḍaḷa publication, no. 39, Poona 1934.

5. For the description of "Smṛti-Kaustubha", see pp. 447–53 of Mr. P. V. Kāṇe's "Hindudharmaśāstra" [note 1]. Its sections "Saṃskāra-Kaustubha" and "Rājadharma-Kaustubha" have been published by the Nirṇayasāgar Press, Bombay, and the Baroda Government in 1914.

6. "Vyavahāranirṇaya" was written to fill up the gap in the "Dinakarodyota" of his father, by Viśveśwarabhaṭa alias Gāgābhaṭa son of Dinakarabhaṭa son of Rāmakṛṣṇabhaṭa. Manuscript copies are available in the Bhāṇḍārkar Oriental Research Institute, Poona, Bikāner Library, Alwār Library, India Office Library, etc.. The colophon in the copies of the Bhāṇḍārkar Oriental Research Institute and in the Bikāner Mahārāja's Manuscripts Library reads : इति श्रीमद्विद्वन्मुकुटमाणिक्यमरीचिपिंजरीतपदद्वंद्वारविंद श्रीमन्नारायणभट्टसूरिसूनु श्रीमद्रामकृष्णात्मजदिनकरभट्टसूनुगागाभट्टपरनामकविश्वेश्वरभट्टपूरिते दिनकरोद्योते व्यवहारकांडे समाप्तम् ॥ It is divided into sixty chapters and covers both the civil and criminal jurisprudence. Particularly the treatise on Divya (Ordeals) and Śapatha (Oaths) is comprehensive and gives a detailed procedure followed in administering them.

For other works of Gāgābhaṭa, see Mr. P. V. Kāṇe's "Hindudharmaśāstra" [note 1].

7. See note 12 for "Budhabhūṣaṇam by Śambhurāja (Saṃbhājī Rājā I).

dyota". Keśavabhaṭa had apparently set himself on a great work called "Dharmakalpalatā", and a part of it named "Nītimañjarī" was actually commenced[8]. But only a fragment of this part entitled "Daṇḍanītiprakaraṇam" is now available. Keśavabhaṭa was in the employ of Śivājī and his sons Saṃbhājī and Rājārāma. His work, therefore, must prove of special interest to the students of Marāṭhā history and especially to those working on the Śivaśāhī period.

Both these works attracted my attention long ago. The collation of all available copies of Gāgābhaṭa's "Vyavahāranirṇaya" was far advanced, but subsequently, for various reasons, I preferred to give priority to Keśavabhaṭa's "Daṇḍanītiprakaraṇam". The Bhārata Itihāsa Saṁśodhaka Maṇḍaḷa had resolved some eight years back to print this work and the text was ready for the press. The bare text, however, was not likely to possess the same instructive value as it would if accompanied by notes setting forth the proper background, but the seemingly simple and easy problem of tracing the procedure of criminal jurisprudence in India in ancient and historic times was not without its complications and difficulties. The contemporary material would not support the view advanced by scholars. Any reconstruction of the procedure depended upon valid and contemporary evidence in the field. Paucity of a definite material on the subject was the greatest drawback in the progress in arriving at any view which should establish the problem with scientific precision. Unfortunately, however, the publication of whatever construction I was able to place on the strength of the events recorded in our literature—Vedic Mantras to the historical sources of the eighteenth century—has to be deferred at the last moment for want of paper! This omission, however, will, it is hoped, not affect the value and importance of the original text of the "Daṇḍanīti" now published.

8. Verse 1, p. 1 of Prathamaprakaraṇam of "Daṇḍanītiprakaraṇam" reads: प्रसन्नवदनं रामं निधाय हृदि केशवः । धर्मकल्पलतासिध्यै तनुते नीतिमञ्जरीम् ॥ १ ॥

DAṆḌANĪTIPRAKARAṆAM

Only two manuscript copies of "Daṇḍanīti-prakaraṇam" of Keśava Paṇḍita have yet been discovered, and the Tanjore Mahārājā Sarphojī's Sarasvatī Mahāla Library has the good fortune to possess them. Dr. A. C. Burnell, in his brief Catalogue[9] of the library, has described one of them as: "No. 536: (d) दण्डनीतिप्रकरणम् from नीतिमञ्जरी of Śrī Śambhurāja", while Mr. P.P.S. Śāstrī, in his subsequent revised Descripitve Catalogue[10] has mentioned it under No. 18737 and another copy under No. 18738 as: "बुधभूषणम् ॥ नीतिमञ्जरी (शंभुराज)." Both the copies are said to be complete, and are in the Devanāgarī script. The former has 31 folios and 1085 granthās, and the latter 81 folios." Mr. P. P. S. Śāstrī, in his notes on these manuscripts, records: "From the colophon it can be gleaned that Sambhājī, the son of Śivājī, was the author of work by name Budhabhūṣaṇam for which one Keśava Paṇḍita, son of Dāmodarabhaṭa, wrote a commentary called "Dharmakalpalatā" and that this manuscript was a portion of "Nītimañjarī". The manuscript belongs to Bābājī[11] Nāyaka Ponde."

These manuscripts are, however, named differently as Budhabhūṣaṇam and Nītimañjarī and their authorship attributed to Sambhājī Rājā. The writer, Keśava Paṇḍita has himself called this fragment "Daṇḍanītiprakaraṇam"; and in the colophon of the manuscript, this fragment, which by itself forms a part of Keśava Paṇḍita's "Nītimañjarī", is said

9. Dr. A. C. Burnell's "Catalogue of the Sarasvatī Mahāla Library", p. 141.

10. "A Descriptive Catalogue of the Sanskrit Manuscripts in the Tanjore Mahārājā Sarphojī's Saraswatī Mahāla Library, Tanjore" by P. P. S. Śāstrī, Tanjore, 1934, p. 8675, Volume XVIII.

11. Ought to be Śāmajī Nāyaka Puṇḍe: cf. note 1, page 1 of the Sanskrit text. Bābājī died in 1675 A. D.

to have been embodied in "Budhabhūṣaṇam" [12] of Saṃbhājī

12. "The Budhabhūṣaṇam of King Shambhu with an Introduction, Notes, etc." by H. D. Velankar, Government Oriental Series, Class C, no. 2, published by the Bhāṇḍārkar Oriental Research Institute, Poona, 1926.

The original manuscript copy is in the Manuscript Library of the Bombay Branch of the Royal Asiatic Society, Bombay, Dr. Bhāu Dājī's Memorial Collection, no. 305-3. This has been first noticed in the "Catalogue of Sanskrit and Prakrit Manuscripts of the Bombay Branch of the Royal Asiatic Society, Bombay" by H. D. Velankar, under no. 1205, page 339. The size of the manuscript is 9½″×5¼″. Devanāgarī script: folios 64 with ten lines to a page.

The manuscript is incomplete. The printed copy does not indicate the nature of its incompleteness sufficiently clearly. The actual condition found on a closer examination of the manuscript may be described as under:

The manuscript, as it is available now, may be divided into four parts: (a) Praśasti–18 verses; (b) After a blank space of a page or so commences Śrī Bhavānyām stutim. It is followed immediately by Anyoktīs with a new serial number for its verses. There are omissions in this Anyokti-saṅgraha, and they have been indicated by certain numbers in the serial having been left open along with some blank space. This chapter has no heading. It has neither the commencing verses, nor a colophon at the end. In all, it contains 177 verses. (c) Rājanīti—This chapter is complete and has the appropriate heading as well as a colophon: 630 verses. (d) Miśrakanīti—This chapter also has no heading, but the subject of the title of the chapter is incorporated in the first verse. It has 59 verses, but it is incomplete. On folio 63, the words 'vṛttiḥ' and 'Rāma' appear in the left and right margins respectively. There is nothing in the manuscript to indicate what more chapters were to follow in order to complete the work of "Budhabhūṣaṇa".

The colophon at the end of "Daṇḍanītiprakaraṇam" leaves no doubt about the fact that Keśava Paṇḍita's "Daṇḍanīti" was made one of the chapters of "Budhabhūṣaṇa" of Saṃbhājī Rājā. The two colophons now available indicate that the work "Budhabhūṣaṇa" must have been commenced some time after the coronation but before the death of Śivājī and was continued till after Saṃbhājī's coronation. So the work was being compiled between 1675 and 1682 A. D..

"Budhabhūṣaṇa" is simply a compendium of selections designed for the instruction of Saṃbhājī Rājā in the Traividyās in which the Yuvarāja was to be initiated according to the ancient practice.

Rājā. This "Nītimañjarī" was intended to be a part of Keśava Paṇḍita's still greater compilation "Dharmakalpalatā". As, however, the chapter of Daṇḍanītiprakaraṇam is complete in itself, I prefer entitling it as "Daṇḍanīti" of Keśava Paṇḍita.

Date of composition : Keśava Paṇḍita's "Nītimañjarī" and his still greater work "Dharmakalpalatā" are yet to be discovered. In view of the fact that he has produced another work "Rājārāma-charitam"[13] as late as 1691 A. D., it is very probable that both the works previously undertaken by him may have been completed long before 1691 A. D.. Copies of "Daṇḍanīti" are available separately because this part of his "Dharmakalpalatā" was selected for inclusion in "Budhabhūṣaṇa". In the absence of copies of the two works, "Nītimañjarī" and "Dharmakalpalatā", as also of any other evidence about their compilation, any attempt at guess-work in fixing the dates of their composition will possess less value historically. No doubt, Govinda Kavīndra[14] tells

13. "Keśava Paṇḍita's Rājārām-charitam or Śrī Chhatrapati Rājārām's Journey to Jiñjī", edited by V. S. Bendrey: the Bhārata Itihāsa Saṃśodhaka Maṇḍaḷa's Svīya-Granthamālā, no. 36, Poona, 1931. The only manuscript of this work is in the Tanjore Maharaja Sarphoji's Sarasvatī Mahāla Library, Tanjore: vide no. 76, p. 161 of Dr. A. C. Burnell's Catalogue, and no. 4229, pp. 3263–5, Vol. VIII of the "Descriptive Catalogue of the Library" by P. P. S. Śāstri.

14. In the "Peshava Daftar Selections" is published a letter of 23rd March 1782, the writer of which named Govind Kavīśwar offered his varṣāsana from Newase amounting to Rs. 300 to one Nārāyaṇa Dīkṣit Bāpṭa Golapkar in return for his undertaking to take care of the idols of Rāmachandra and their worship. Kavīśwar, after disposing of this affair, intended to end his life in the Māhulī Saṅgam after entering into Chaturthāśrama—[vide no. 16, p. 13 or 7437, "Peshava Daftar Selections", Vol. 43, Government Central Press, Bombay, 1934]. Jayarām Piṇḍe, the author of "Rādhāmādhavavilāsa-champu" has addressed himself as "Kavīśwar" and he has one "Narahari Kavīśwar" mentioned among the poets at Śāhājī's Darbar. Kavīśwar and Kavīndra may, therefore, be different names. The only reason why Kavīśwar in the above letter can be taken as Kavīndra is because of his connection with Newāse. Hence, perhaps this Govinda Kavīśwar of Newāse may be identical with Govinda Kavīndra of the same place. If this identity is correct, Govinda Kavīndra died without an issue and was very old at the time of his death.

us in very clear terms that Saṃbhājī prescribed Nītidharma with the help of Keśavabhaṭa. He says:

Govinda Kavīndra's father, Devadatta, was granted on 19th May 1718 an inām of a village of Pedur tarf Śirāḷe, Prānt Malkāpur by Mātuśri Rājasabāī Sāheb — [no. 118, p. 100 or 4960, "Peśava Daftar Selections", Volume 31, Bombay, 1933]. This grant was confirmed on 16th September 1720 in a Dānapatra issued by Śambhu Chhatrapati II — [no. 122, p. 103 or 4963, ibid]. Devadatta's brother, Śrīdhar, was also given on 23rd April 1716 an inām of a village of Yekoli tarf Malkāpur, Subāh Malkāpur. He is described as a poet of eminence ("कवित्वीं बहुत निपुण") — [vide no. 117, p. 99 or 4959, ibid]. Both the Kavīndra brothers ("उभयता कवींद्र") were asked to be present in the Gotāī Sabhā for deciding the dispute in the matter of an inām granted to Śrīkarāchārya and his brothers. This majālas must have been held sometime immediately before 9th August 1729– [vide 54, Śrīkarāchāryās Mahārājānī Dilelen Dānapatrābaddala Niwāḍā, p. 209, Prakaraṇa 5ve, "Sanads and Letters", by R. B. G. C. Vad and edited by Purushottam Mawji and D. B. Parasnis, Poona, 1913].

Kavīndra Paramānanda, grandfather of Govinda Kavīndra, has described himself as : "......विस्फुरद्ब्रह्मवर्चसम् । वेत्तारं सर्वशास्त्राणां वित्तमध्यात्मवित्तमम् ॥५॥ पैराणिकानां मवरं भट्टगोविन्दनन्दसम् । एकवीराप्रसादेन लब्धवाक्सिद्धिवैभवम् ॥६॥" —[vide Ādhyāya 1, p. 1, "Śivabhārata" by Kavîndra Paramānanda, B. I. S. Maṇḍaḷa Puraskṛta Granthamālā no. 3, Poona, 1927]. Paramānanda mentions the name of his father as Govinda. Kavīndra appears to be the Upanāma or family name. The family belonged to Kāśyapa Gotra, Taitirīya Śākhā, Āpastaṃbha Sūtra. Newāse is 35 miles northeast of Ahmednagar. Paramānanda wrote "Anu-purāṇa" sometime between 1661 and 1674. This is said to contain one lac verses, but only a fragment of it has yet been traced. Paramānanda is now well known to the students of Marāṭhā History as the author of "Śivabhārata". Paramānanda was present at the assembly of 1664 held for Śyeṇavījātinirṇaya [note 50].

My friend, Mr. P. K. Gode, has attempted to connect Kavīndra Paramānanda with one "Kavīndra" mentioned in "Kelādi Basavabhūpāla. [vide his paper "Kavīndra Paramānanda and Kelādi Basavabhūpāla", pp. 40–6, Pt. I, Vol. III, November 1941 issue of "Bhāratīya Vidyā Journal" of the Bhāratīya Vidyā Bhuwan, Andheri, Bombay]. My friend, late Mr. S. M. Divekar, hoped, as long ago as 1928, to establish an identity of Kavīndra Paramānand with Paramānanda Bāwā mentioned in Bakhars. I quote from "Ekyāṇṇavakalamī Bakhar" the pertinent references : "नितळपुरी गोसावीबावा वाराणसीहून आले.

अधर्मखंडनं धर्मस्थापनं नियतव्रतः ।
केशवो रचयामास हस्तेन नृपतेर्मुहुः ॥ १९ ॥
नीतिशास्त्राण्यशेषाणि दर्शयित्वा नरेश्वरे ।
नीतीः संस्थापयामास शाश्वतीः धरणीतले ॥ २० ॥ [15]

त्यांचा (शिवाजीनें राज्यारोहणसमयीं) उपदेश घेऊन संगमेश्वरी ठेविलें. परमानन्द गोसावी पोलादपुरी ठेविले. ते बावा बहुत सिद्ध पुरुष होते व याच गांवीं मोहनी बावा त्रिंबक नारायणाश्रम असे थोर पुरुष होते.''–५७ कलम–; "परमानंद स्वामीचे दर्शन झाले.''–७४ कलम – (Sāne edition). "Sitalpuri, a very pious Sanyāsi of Benares, was invited and made his Guru. Sitalpuri was lodged at Saṅgameśwar, a holy place. Paramānanda Gosāvin of Phaladpur (Polādpur) and Narain Āśram a very saintly Brahmin of Trimbakeśwar Mahādev were slightly honoured and served by Śivājī.'' (Sarkar edition).— [vide pp. 105, 126 and 106, "Śivachhatrapatīchī 91va Kalamī Bakhar,'' Vividha-dnyānavistāra, edited by Mr. V.S. Vākaskar, Bombay, 1930]. Mr. Divekar was not able to get a written or oral evidence to support this identity, nor has any been produced since then.

Mr. K. N. Kulkarni of Kolhapur, in his article "Anupurāṇakartā Kavīndra Paramānanda and Kolhāpurache Rājopādhye"–[pp. 89–97, Aitihāsikā Charcha—" Saṃśodhaka Traimāsika;'' Aṇka 2rā, 15th June 1941, Dhulia] informs his readers that he got some more works of Kavīndra family. The enquiry made by my friends shows, however, that they were his expectations. The only small fragment the Rājopādhyes possessed has been published by my friend Mr. P. K. Gode.

15. 'Keśavabhaṭa-māhātmya-nirūpaṇam' (Ādhyāya), "Anupurāṇa (Sūryavaṃśa) from Śivapurāṇa" by Govinda Kavīndra.

This Sanskrit work is still in the manuscript form. My friend Prof. D. V. Potdar is editing it for the Government of Baroda. It will soon appear in the Oriental Series of the Baroda Government. The manuscript is in the Oriental Institute, Baroda. It is described as: O. I. F. no. 8 Kāvya–Acc. no. 13967: folios 109, granthās 2000, Devanāgari script; size–11″×4″. A fragment of this "Anupurāṇa" has been published by my friend Prof. P. K. Gode—[pp. 287–95, Part III, Vol. XVIII–1937 and pp. 49–60, Part I, Vol. XIX–1938, "The Annals of the Bhāṇḍārkar Oriental Research Institute, Poona"]. This fragment, however, does not contain the Ādhyāya on Keśavapaṇḍita, though it mentions Keśava twice quite promiscuously.

The author, Govindabhaṭa was the son of Devadatta and grandson of Kavīndra Paramānanda, the well known author of "Śivabhārata" [note 14]. Govinda appears to have flourished in the first half of the eighteenth century.

This, however, would not serve as a definite proof either for determining the titles of the works composed for Saṃbhājī or for fixing the date of the two compilations: "Dharmakalpalatā" and "Nītimañjarī". The colophon at the end of "Daṇḍanīti" clearly shows that the Daṇḍanītiprakaraṇam was embodied in "Budhabhūṣaṇa" when Saṃbhājī was already a coronated king[16] (इति श्रीमन्महाराजाधिराजक्षत्रियकुलावतंससिंहासनाधीश्वरश्रीशंभुराजछत्रपतिविरचिते ग्रंथे बुधभूषणे...). A remark on one of the copies of "Daṇḍanīti" declares the ownership of the copy to belong to Śāmajī Nāyaka Puṇḍe[17] (not Bābājī Nāyaka Poṇḍe as mentioned in the Descriptive Catalogue) श्रीशामजीनायकपुंड्योपनाम्नां ग्रंथः पत्रसंख्या ॥ ३१ ॥, and the copyist dates this copy with the details as: शके राज्याभिषेकीये दुंदुभसंवत्सरे लिहमिदं पुस्तकम् ॥ Here apparently the copyist has omitted to mention

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16. Saṃbhājī was at Panhāḷā Fort when Śivājī died on 3rd April 1680. He entered Rāyagaḍa and was declared to have assumed the reins of his father's kingdom on 18th June 1680. He ascended the throne or his Mañchakārohaṇa ceremony was performed on 20th July 1680. His coronation took place on 16th January 1681. He was captured on 1st February 1689 and was tortured to death by Aurangzeb Bādashāh on 11th March 1689.

17. Śāmajī Nāyaka Puṇḍe, son of Bābājī Nāyaka Puṇḍe, of Śrīgonda succeeded his father in the important office of 'Vakeel' under Śivājī. He accompanied Śivājī in his expedition in the Karnataka in 1677-78. He was appointed a Subāhdar of Karnataka by Saṃbhājī Rājā in December 1680. He proceeded to Karnataka along with Harajī Rājā Mahāḍika in March 1681. — [Jedhe Śakāvalī]. They arrived at Ballyporam in the early part of July 1681 — [p. 9, Vol. 29, 1681, Ft. St. G., Fac. Rec., and p. 4, Letters to Ft. St. G., Vol. 1–1681–2, R. Ft. St. G.; also pp. 44 and 12 Ibid]. Śāmajī Nāyaka was ordered to be imprisoned in August 1681 — [Jedhe Śakāvali], which orders were said to be: "Whereas Shamjee Naique had acted contrary to the Maha Rajah's order that he should be put out (of the) place and imprisoned. According to these orders he was imprisoned before 16th September 1681" — [p. 25, Vol. 1, Cuddalore, 1681, Fac. Rec. and p. 69, Vol. 29, 1681 Ft. St. G. Fac. Rec.; p. 24, Vol. I, Letters to Ft. St. G., Fac. Rec. 1681]. Śāmajī Nāyaka might have been sent back to Rāyagaḍa and released, as a copy of "Daṇḍanīti" is made for him in Dundubhī Saṃvatsara (28th February 1682 to 18th March 1683 A. D.).

the Rājyābhiṣeka Śaka year. Dundubhī Saṃvatsara, however, runs through the eighth and ninth years of the era. If the omission is for the eighth Rājyābhiṣeka year, the limits of the period during which the copy may have been written could be fixed as 29th February to 6th June 1682, but if the ninth, the period would intervene between 7th June 1682 and 18th March 1683 A.D.. The date of the composition of the compilation itself must precede this; and as in the introductory chapter Saṃbhājī is mentioned as Mahimahendra, the earliest date which can be assigned for the compilation of the original composition would be subsequent to the ascension of Saṃbhājī Rājā on 20th June 1680. Thus the original composition of 'Daṇḍanīti" appears to have taken place some time between 20th July 1680 and 18th March 1683. Probably, the " Daṇḍanītiprakaraṇam," may have been presented to Saṃbhājī Rājā on the occasion of his coronation (16th January 1681).

Contents: Keśava Paṇḍita has divided his "Daṇḍanīti" into six chapters: (I) Eulogy of Daṇḍa (the power of the king to punish); definition and nature of offences and punishments; procedure of criminal justice; (II) Thefts of all kinds; (III) Adultery, rape, etc.; (IV) Defamation, libel, slander; (V) Hurt of various kinds; and (VI) Assaults, offences in which force is the principal element, and miscellaneous. The compilation is more of a nature of a digest with explanations and definitions here and there as regards the application of the sayings or quotations in practice. Certain exceptions to the recorded conventions have also been recommended. The work, however, is not a very detailed one although it brings in briefly all the information required for guidance in the administration of criminal justice.

Authorities: Keśava Paṇḍita has quoted some fifty authorities, but they cannot be said to have been extracted directly from the works concerned. They may have been taken as quoted in the recognised older works. It is doubtful whether all of the works cited were at all extant in his times. It is true that at the assemblies of Paṇḍitas held for deciding certain communal disputes various Nīti and Smṛti granthās were being brought together for reference, and in the document called " Śyeṇavī-jāti-nirṇaya" made in the lifetime

of Keśava Paṇḍita, at the assembly of which the well-known Paṇḍitas like Gāgābhaṭa and several others from the great Mahārāṣṭra, amongst whom Keśava Paṇḍita was one, were present, we have evidence[18] to show that the following works were brought for consultation:

एते चान्ये च बह्वः पण्डिताश्च समागताः। कृत्वा समाजं सर्वे ते ग्रंथानादाय भूरिशः ॥
हेमाद्रिं माधवं व्याख्यां विज्ञानेश्वरयोगिनः। रत्नावलिं च मदनपारिजातं च चन्द्रिकाम् ॥
पृथ्वीं चन्द्रोदयं कल्पतरुं च स्मृतिकौस्तुभम्। मयूखान् सागरान् सप्त गोविंदाद्यं महार्णवम्॥
तथा दिनकरोद्योतमपरार्कं च दर्पणम्। मन्वाद्यनेकमुनिभिर्भाषिताश्च[19] स्मृतीरपि ॥
मनुर्बृहस्पतिर्दक्षो गौतमोऽथ यमोंगिराः। योगीश्वरः प्रचेताश्च शातातपपराशरौ ॥
संवर्तोशनसौ शंखलिखितावत्रिरेव च। विष्ण्वापस्तंबहारिता धर्मशास्त्रप्रवर्तकाः ॥
एते ह्यष्टादश प्रोक्ता मुनयो नियतव्रताः। जाबालिर्नाचिकेतश्च स्कंदो[20] लौगाक्षिकोऽसितः ॥
व्यासः सनत्कुमारश्च शंतनुर्जनकस्तथा। व्याघ्रः कात्यायनश्चैव जातूकर्ण्यः कपिंजलः ॥
बौधायनश्च काणादो विश्वामित्रस्तथैव च। पैठीनसिर्गोभिलश्चेत्युपस्मृतिविधायकाः ॥
वसिष्ठो नारदश्चैव सुमंतुश्च पितामहः। विष्णुः कार्ष्णाजिनः सत्यव्रतो गार्ग्यश्च देवलः॥
जमदग्निर्भारद्वाजः पुलस्त्यः पुलहः क्रतुः। आत्रेयश्च गवेयश्च मरीचिर्वत्स एव च ॥
पारस्करश्चार्ष्यशृंगो वैजवाश्च तथैव च।

एतत्प्रोक्ताः स्मृतीः।

अष्टादशपुराणानि पल्लवानि च सर्वशः। संहिताश्चापि विविधाश्चित्रार्थां च बृहत्कथाम्॥
एतानन्यांश्च विविधान् ग्रंथानालोक्य भूरिशः। परंपरागतश्चैषां धर्ममालोक्य तत्त्वतः ॥
गागाभट्टप्रभृतयः कृत्वा निर्णयमुत्तमम्। राज्ञे न्यवेदयिषु······व्यलेखयत् ॥
तत्रत्यं सारमादाय किंचिदत्रापि लिख्यते।

The fact that the verses mentioning the Smṛtīs and Upasmṛtīs are exactly similar to those in "Prayogapārijāta" and

18. Pp. 295–6, Lekhāṅka 81, Śāstrīs and Paṇḍītas of Śivājī's Times, "Bhārata Itihāsa Saṃśodhaka Maṇḍaḷa's Wārṣika Itivṛtta, Śaka 1835," B.I.S. Maṇḍaḷa Granthamālā,, Pustaka 7ve, Poona, 1914.

The assembly was held in 1664 A. D.; the document published is, however, a copy made at Rājāpur, Ratnāgirī District, in 1812 A. D.. For further details, see note 50.

19. The verses mentioning the eighteen principal Smṛtīs, twenty-one Smṛtīs and Upasmṛtīs are apparently quotations from "Prayogapārijāta" quoted by Vīramitrodaya in his "Paribhāṣapravṛttiḥ," [p. 18—vide pp. 133–34, Vol. I, "History of Dharmaśāstra" — note 1].

20. लोगाक्षिकश्यपौ in "Prayogapārijāta".

" Madanaratna " creates doubt whether these lists represent really the works actually brought to the assembly by the several Paṇḍitas and Śāstrīs or whether these verses are merely quotations to indicate the extent of the authorities traditionally known for consultation in such disputes. It is, however, certain that Keśavabhaṭa had access to a large number of Smṛti-granthās, and his sources of information for the compilation of his " Dharmakalpalatā " or " Daṇḍanīti " were both sound, varied and up-to-date. He had a contact with well-reputed Śāstrīs and Paṇḍitas of the time. Keśavabhaṭa was thus so well placed as to be appreciated by Śivājī, Saṃbhājī and Rājārāma in his efforts to bring about an up-to-date work on civil, criminal and religious jurisprudence for the benefit of those administering the law and order in the newly established Marāṭhā kingdom.

Presentation of text : It is not here intended to examine in detail the text of " Daṇḍanītiprakaraṇam " from either the textual or law point of view. The manuscript copies available are corrupt and full of copyist's errors. In presenting the text, therefore, an attempt has been made to correct it inasmuch as it concerns the insertion of ' avagraha ', substitution of ळ for ऴ, conversion of ' anusvāra ' (nasal sign) into ' parasvarṇa' (nasal letter), compounding words wherever necessary according to the ' sandhi ' rules, and other mistakes of grammar and decipherment made by the copyists concerned. Different readings (pāṭhabheda) to those obtaining in other Smṛtī-granthās already published have been retained, but these variants seldom connote any other conceptions or ideas than those conveyed in the published texts.

KEŚAVA PAṆḌITA

THE AUTHOR OF DAṆḌANĪTI

Keśava Paṇḍita has attracted the attention of historical research scholars since the publication of "Rājārāma-charitam" in 1931. My friends, Prof. D. V. Potdar and Prof. P. K. Gode, made successful efforts to collect some historical documents of his family. In the Peshava Daftar Selections also, documents relating to his family got due place. Mr. P.K. Gode has attempted some two years back to connect Keśava Paṇḍita with the recording of "Kāyastha-Prabhu-Kathā[21]. All this interest in the authorship of Keśava Paṇḍita is bound to develop furthermore by this publication of his "Daṇḍanīti"; and serious efforts may further be made to trace the still greater work of Keśava Paṇḍita entitled "Dharmakalpalatā". It is true that my reliance on the very slender data[22] of doubtful character then available did not prove justifiable, and my conclusion in the introduction of my edition of "Rājārāma-charitam" that Keśava Paṇḍita was Dānādhyakṣya was not borne out by the evidence subsequently came to light. Whether this omission in the official correspondence, almost of a contemporary character, was deliberate or is merely indicative of the exact position or status enjoyed by him at the time of the two Dānapatrās of 1684 and 1694 issued to him, it is difficult to say. Govinda Kavīndra, however, supports[23] the later

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21. 'Some verses about the Kāyastha-Prabhus composed by Keśava Paṇḍita by the order of King Sambhājī, son of Śivājī—C. A. D. 1675, by P. K. Gode, pp. 235–48, Vol. XX, "Annals of the Bhāṇḍārkar Oriental Research Institute, Poona", 1940.

22. "Rājārāma-charitam", p. 3; Lekhāṅka 44, Prakaraṇa 4, pp. 157–9 of "Sanads and Letters" by Messrs: P. V. Mawji and D. B. Parasnis, Poona, 1913.

23. Govinda Kavīndra, in his "Anupurāṇa" [note 15], after mentioning the death of Śivājī and the succession of Sambhājī to the Marāṭhā power (Sāmrājya), says: ततः केशवभट्टेन लब्धा पंडितराजता । पूर्वोपाध्यायपद्दाविच्यक्ता जीर्णवधूरिव ॥ १५ ॥ [केशवभट्टमहात्म्यानिरूपणम् — अध्यायः]

belief that Keśava was Paṇḍitarāo and had performed the duties of Dānādhyakṣya. In spite of the doubt about Keśava Paṇḍita's status as Dānādhyakṣya, his life as Purohita and Upādhyāya during the whole of the Śivaśāhī period, his connection with the learned Paṇḍitas of the time and above all his own learning and authorship deserve no less public appreciation of his life and work.

Historical material: My friends, Prof. D.V. Potdar and Prof. P. K. Gode, were fortunate enough to secure fifty to sixty old documents pertaining to the Purohita family of Purye,[24] a majority of which are, however, copies. Prof. Potdar has also secured original documents of the Sāvalekar Purohit family descended from Viśvanāthabhaṭa, elder brother of Haribhaṭa, grandfather of Keśava.[25] " The Peshava

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and further adds that Keśava pleased Brahmins approaching Saṃbhājī by giving Agrahārās, Varṣāsanās, Dānās, etc. [verses 16-17]. The duties mentioned are those assigned to Dānādhyakṣya, but Govinda has not definitely entitled him as such. As Moreśwar Paṇḍitarāya succeeded his father Raghunātha Paṇḍitarāya to the Paṇḍitarāyā's position in the ministry, it appears that there is no sufficient ground to mix up the position of Paṇḍitarāya as Amātya with that of the Paṇḍitarāo as Dānādhyakṣya. Presumably the latter may be a newly created post, unless the reference to Keśava's Paṇḍitarāi is an outcome of his holding the position during Raghunātha Paṇḍitarāyā's illness or after his death temporarily. Govinda Kavīndra's following adverse remark about Raghunātha Paṇḍitarāya affords some reason for this view: पंडितानां गुणध्वंसात् विप्राणां मानखंडणात् । उपमर्दात् कवींद्राणां गणकानां प्रहासता ॥ ११ ॥ रघुनाथक्षयाविष्टो विशिष्टोपि धरातले । प्रययावतिवेगेन दिङ्क्षुरमरावातिम् ॥ १२ ॥ [note 15]. I am, however, inclined to believe that Dānādhyakṣya's post was created anew by Saṃbhājī as he had created Chhandogāmātyaship for Kab Kalaśa.

24. Purye, a village in the Saṅgameśvar Taluka, Ratnagiri District.

25. The earliest of these papers is issued to Bhairavabhaṭa by Rāmachandrapanta Amātya. This mentions Viśvanāthabhaṭa as his great grandfather. His father's name is given as Govindabhaṭa. The document, however, contains no reference to his grandfather. This document informs us that Viśvanāthabhaṭa was Upādhyāya of Śirke family of Sriṅgārpur. After the capture of Sriṅgārpur by Śivājī and its chief's Sūryarāo Śirke's flight from that place on 29th April 1661 [Cf. Jedhe Śakāvali], this family lost the hereditary

Daftar " also recorded a Dumbāla-patra or Tākida-patra[26] of 27th March 1692, a copy of which is available in Prof. Potdar's collection too. Curiously enough, none of these papers gives a slightest indication to the authorship of Keśava Paṇḍita even of such works as have now been known to us. Thus, while attempting to establish an identity of Keśavabhaṭa of the Purye Purohita family with Keśava Paṇḍita as the author of " Rājārāma-charitam" and "Daṇḍanīti-prakaraṇam", we are still left to our conjecture. The circumstantial evidence is, however, undoubtedly convincing and supports the identity. Luckily enough, Govindabhaṭa Kavīndra has recorded[27] in precise terms the explanation which establishes the identity of Keśavabhaṭa Upādhyāya with Keśava Paṇḍita or Keśava Paṇḍitarāya.

Family genealogy : A reconstruction of the brief life sketch of Keśavabhaṭa recorded in my " Rājārāma-charitam " may be opportune in this place. A pedigree of the Purohita family as corroborated by the fresh documentary evidence can be determined as :

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vṛtti vatan of that place. Bhairavabhaṭa had, therefore, approached Rājārāma at Jiñjī for the restoration of the vṛtti rights. Accordingly, Rāmachandrapanta issued the necessary orders.

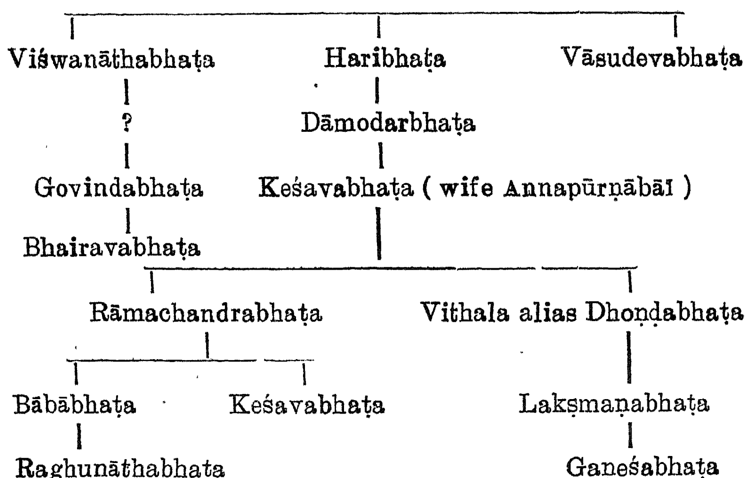
In the papers of the Sāvalekar Purohita family now at our disposal, there is no reference to the Purye family.

There is yet another sanad issued on 19th June 1694 to one Mādebhaṭa (Mahādevabhaṭa) bin Harabhaṭa Purohita, wherein the grantee is said to have waited on Rājārāma at Jiñjī on 16th May 1693 and got a vṛtti-land worth 200 laris at thala Gaulawada —[Vide pp. 79–81, Lekhāṅka no. 47, 'Devarukhe Desāi', "Marāṭhyānchyā Itihāsānchī Sādhanen, Khaṇḍa 21vā, Śivakālīna Gharānīn", Itihāsa and Aitihāsika, Bhāga Dusarā, by V. K. Rājawāde, Dhulia, 1918]. I have not, however, been able to trace the branch of the Purohita family to which Mahādevabhaṭa belonged.

26. Lekhāṅka no. 53, pp. 49 (4909), "Peshavā Daftar Series", Volume 31, published by the Government of Bombay, Government Printing Press, Bombay, 1933.

27. Vide verse 15 in the quotation from Anupurāṇa in note 23.

PUROHITA OR RĀJAPUROHITA



This pedigree has been limited to the seventeenth century and the first half of the eighteenth century only. The descendants of Viśwanāthabhaṭa called themselves as the Sāvalekar Purohita branch, while those of Haribhaṭa, or more properly of Keśavabhaṭa are known as Purye branch of the Śriṅgarpur Purohita family. Prof. Potdar will, no doubt, in due course take full and detailed account of this family's genealogy while publishing his valuable finds in connection with these Purohita branches. One Jagannātha has been mentioned in two papers[28] which seems apparently a mistake for Rāmachandrabhaṭa. In compiling this pedigree, a reliance has been placed more on the documentary evidence than on the Jathanāmā (Gode's Collection). In the Jathanāmā, the genealogy has been traced to the middle of the twentieth century, and dates of deaths have been given; but these find no support in, or are being confirmed by, the documentary evidence yet traced.

Purohita family : No history of this family is yet traceable prior to Haribhaṭa, grandfather of Keśavabhaṭa.

28. Rājā Śāhu's Ājñyāpatra of 21st May 1723 and Rājā Śāhu's Vṛttipatra of the same date.—Potdar's collection.

Haribhaṭa has been mentioned in a Nivāḍā-patra[29] of 9th October 1600. In this, Haribhaṭa is said to have an elder

29. Nivāḍā-patra issued by Kānhojī Rāje Prabhānawalikar dated 9th October 1600 A. D.. I quote the pertinent portions: "छ श्री तीर्थसमदरुशन वेदशास्त्रसंपन्न राजश्री दामोदर पाध्ये व राघो पाध्ये व पनो पाध्ये उपनाम गोलवलीकर साकीन कसबे संगमेस्वर गोसावी यासी कानोजीराजे प्रभाणवलीकर दंडवत. सुहुर सन इहिदे आलफ. लिहावया कारणे तुम्ही शृंगारपूर राजधानीस येऊनु आज्ञापासी विदीत केले जे ... कसबा संगमेस्वर येथील जोतीष व ग्रामोपाध्येपण सरदेशमुखाचे घर खेरीज...दामोदर पाध्ये आपण आपला वंतवृत चालवीत आलो. आपण महायात्रेस पुत्र अंतो पाध्ये घेऊनु गेलो. ते नवा वर्षी स्वदेशास आलो. मागे लोकी वृत्तीचा उपमर्द केला. जे सांप्रत वेदमूर्ती विस्वनाथभट व हरिभट व वासुदेवभट राजपुरोहित यानीं शृंगारपुरी सरकारी कारकून व चाकरमाने आहेत व ता। संगमेस्वर येथें कारकून चाकरमाने आहेत यांचेथे आमचे उपाध्येपणाचे मानाविसी जोरावारीने कलह आरंभिला आहे. आमचे चालो देत नाहीं ... त्यावरुनु राजश्री केशवनायेक व सामनायेक सरदेसाई व महादाजी विष्णू सरदेशकुलकर्णी मामले मजकूर या हुजूर भले लोक व शिस्ट ब्राह्मण व गावगन्ना खोतु मख्तसर यांस आणिले बि॥

रघुनाथ जोसी प्रभाणवलीकर केशवभट आठल्ये उपाध्ये व धर्माधिकरणी तपे देवले वामन जोतिषी व आनंत जोतिषी कसबा संगमेस्वर

विश्वनाथ भट सप्रे विस्वनाथभट व हरिभट व वासुदेवभट पुरोहित रामेस्वरभट पुरोहित सोनवडे नरसीभट गर्दे नादलज केशवभट गर्दे किरडुवे.

... ...

सदरहू वतन किदीम गोलवलीकर उपाध्ये यांचे पिढी दरपिढी भोगवटा चालत आला आहे. यांपासी कोणी कजिया करावा यैसे नाहीं. याउपरी त्रिवर्ग पुरोहित यांस पुसिलेवर ते बोलिले जे आम्ही राजपुरोहित. याकरितां सरकारी कारकून व चाकरमाने यांचे उपाध्येपण आमचे. त्यावरून कारकून व चाकरमाने यांसि हकीकत विचारितां त्याणी सांगितले जे आज पांच सात वर्षे पुरोहित कजिया करितात. गोलवलीकरहि येतात. भांडण होते. परंतु आमानत ठेऊनू कार्य करितो. त्यावरी देवरुखे यांसी हकीकत विचारिली जे उपाध्ये यांचे वतन आजपर्यंत चालत आले आसतां नवा भोजनाचा आग्रह करून वतनास व्याक्षेप काये म्हणून करितां. त्यावर ते बोलिले जे वतनाकरितां व्याक्षप आम्ही करित नाहीं. आमच्या घरी अनुष्ठान करून आन्यत्र भोजनास जातात. घरी श्र्येपाकहि करून भोजन करीत नाहीं. याकरितां आम्ही खेदी होऊनु नेणतपणे बोलितो ... त्याचप्रमाणे पुरोहित सरकारी कारकून व चाकरमाने यांच्या घरीं कज्या करितात. त्यास सर्वांच्या मते निश्चये जाहाली की चाकरमाने लोक यांची निसबत सरकारची लाऊन उपाध्यपणं घेऊ म्हणतात. परंतु वतनदाराचे वृत्तीचा लोप हातो. याकरितां पुरोहित याणी कज्या न करावा. तेथील मान घेणे तो तुम्ही घ्या. यैसे सर्वांच्या मते जाहाले. त्याप्रमाणे त्यास सांगितले आसे. त्याणीहि याप्रमाणे मान्य केले आसे ... याउपर सदरहू वतन जोतीष व धर्माधिकरण व देशोपाध्येपण आस्टाधिकार तुमचे वतनविशई मोन वितपसील.

आचार वेव्हार प्रायश्चित संकल्प निबंध पूजा आद्य गोदान ब्रह्मदंड आंत्य गोदान

लग्न मुहूर्त गणेशपूजन स्तंभ प्रतिष्ट घटिकायंत्र कलश ग्रहदान ग्रहजप पत्रिका

brother named Viśvanāthabhaṭa and a younger one named Vāsudevabhaṭa. Haribhaṭa's family name is stated to be Rājapurohita, and all these brothers have been directed by Kānhojī Rāje Prabhāṇawalikar to restore to the Goḷawalikar Pādhye family the Upādhyāya vṛtti of Śriṅgārpur and Saṅgameśwar, which the Purohita brothers had appropriated and enjoyed for some seven or eight years previously during the absence of the male working members of Pādhyes in Benares. The contention of the Purohita brothers that they were Rājapurohita and hence they were entitled to enjoy the vṛtti of all the state employees did not stand the contemporary evidence. The Rājapurohita's vṛtti at Śriṅgārpur and Saṅgameśwar, so far as it concerned the families of the chiefs at those places (i. e. Śirkes), was not, however, contested by Pādhyes and it seems that the Purohita family continued to enjoy it. The restoration of Pādhye's vṛtti was at last complied with. No more information of Haribhaṭa is available elsewhere.

There is no mention of Dāmodarabhaṭa in the Nivāḍāpatra, nor has any contemporary evidence been traced as yet about him. The earliest reference to Dāmodarabhaṭa is to be found in the Dāna-patra[30] of 29th December 1684. In

माहान देवप्रतिष्ठा कुंड मंडप कलशारोपण रुद्रानुष्टान आ (व ?) स्तथाध्यापन वापी कूप तडाग आराम अनुष्टान सादस्य व्रत उद्यापन श्रौत स्मार्तानुष्टान शांतीक पौस्टिक लक्ष होम कोटी होम आचार्यत्वाग्रपूजन मातृकापूजन ब्रह्मत्व पुराण नामकर्णसंस्कार अंत्यक्रिया गोदान वृषोत्सर्ग वर्षश्राध या खरीज उपाध्यपणाचे मान बा॥ भोगोवटा.

.... जाणिजे शके १५२२ शार्वरी संवत्सरे छ. १० माहे रबिलाखर मोर्तब "—[pp. 338-42, Lekhāṅka 340, 23—Golawalikar Pādhye, Bhārata Itihāsa Saṃśodhaka Maṇḍala Svīya-granthamālā, no. 33 — "Śivācharitra Sāhitya", Khaṇḍa II, Poona, 1930].

30. Dānapatra by Sambhājī Rājā I, dated 29th December 1684: "दानपत्र—श्री शंभुराज छत्रपति : शके १६०६ राजशक ११ रक्ताक्षि संवत्सरे पौषमासे शुक्लपक्षे ४ श्री सोमवासरे मकरस्थे सूर्ये ... कौशिक गोत्रोत्पन्नऋकशाखाध्यायिवेदशास्त्राध्यायनाधयापनं... सुपासित श्री सीतानायकचरणसरसीरूहषट्कर्मनिरत पुरोहिता ... ध हरिभट्टात्मज श्रौतस्मार्त कर्मानुष्ठाननिष्ठात् दामोदरभट्टा ... वृत्तिपत्रिकाक्रमी लिख्यते ... श्रीशंभुराजा छत्रपती ... पूर्वोक्त विशेषणविशिष्टाय केशवभट्टशर्मणे द्विजजन्मने मकरसंक्रांतमहापर्वणि प्रयोगरूपकृत श्रीरामायणश्रवण कल्पोक्त ... दानाध्यक्ष मोरेश्वर पंडितराजस्य मतं छंदोगामात्य कवि कलश..." —Unpublished: Potdar's Collection.

this, Dāmodarabhaṭa is mentioned as the son of Haribhaṭa, and his Purohita family is said to belong to Kauśika Gotra, Ṛk-śākhina branch and to be resident of Saṅgameśwar town. A confirmation of all these family details is secured in another Dānapatra of 12th May 1694[31]. The family deity is given as Sītānāyaka (Rāmachandra). In these two documents we get the link between Haribhaṭa and Dāmodarabhaṭa as also that of Dāmodarabhaṭa and Keśavabhaṭa. The fact that Dāmodarabhaṭa is not appearing in the dispute with the Goḷawalikar Pādhyes and also in the great assembly of Paṇḍitas[32] held at Rājāpur in 1664 A. D. gives reason to believe that the life period of Dāmodarabhaṭa might be between 1590 and 1664 A. D.. The Purohita family belongs to Karhāḍā Brāhmin caste.

Life sketch of Keśava: Keśavabhaṭa's early life and attainments are yet unknown. His wife's name was Annapūrṇābāī and she survived him till after 18th March 1725[33]. Keśavabhaṭa left behind him two sons, Rāmachandrabhaṭa and Viṭṭhala alias Dhoṇḍabhaṭa[34]. Although the native place of the Purye Purohita family has been mentioned as Saṅgameśwar town in the documents quoted above, Keśavabhaṭa appears

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31. Dāna-patra by Rājārāma I, dated 12th May 1694: दानपत्र–राजाराम महाराज—"शके १६१६ राजशक २१ भाव संवत्सरे वैशाख बहुल १४ मंदवासरे ... ... पुरोहितोपनामकवेदशास्त्रसंपन्नहरिभट्टपौत्राय दामोदरभट्टपुत्राय संगमेश्वर-नगरनिवासिने समधिगतवेदशाखाय केशवभट्टशर्मणे द्विजजन्मने ... अष्टादशपुत्तनालंकारभूत ...पूर्ये..."—Unpublished : Potdar's Collection.

32. "Syeṇavījātinirṇaya" : pp. 293–305 [notes 18 and 50].

33. Kaulnāmā issued from Māmale Dābhol on 18th March 1725 to Annapūrṇābāi widow of Keśavabhaṭa bin Dāmodarbhaṭa Purohita : कौलनामा–खमस असरीन मया व अलफ छ १४ रजब: "अंतोबा नायक सरदेसाई सुभा मजकूर यांहि बालाजी सोमनाथ यासोबत सुभास अन्नपूर्णाबाई अयाल केशवभट पंडित अर्ज सांगोन पाठविला कीं, केशवभट पंडितराव हे कदीम कसबे संगमेश्वर येथे होते. ते पेसजी धामधुमीचे कजियाकारितां कसबा टाकून परागंदा जाहाले होते. ते मैत जाहाले. हाली त्याची औरत अन्नपूर्णाबाई असे . . . . तुम्ही व तुमचे नातू आपले कदीम जागेपासी कसबे संगमेश्वरी येऊन घर बांधोन खुशाल राहाणें ... "—Unpublished : Potdar's collection.

34. Jathanāmā of 10th October 1854 in Mr. P. K. Gode's Collection and other papers in Prof. D. V. Potdar's Collection still unpublished.

to have been staying at Rājāpur in 1664 A.D.[35]. The Purohita families, dependent on Śirkes of the Prabhāṇawali kingdom, had to lose all they had at Saṅgameśvar and Śriṅgārpur, when these places were captured by Śivājī in the first fortnight of February and on 29th April 1661 respectively. Subsequently, perhaps when met at the Rājāpur assembly (1664 A. D.), Keśavabhaṭa appears to have gained the favour of Śivājī through Raghunāth Paṇḍitarāya,[36] and while under his patronage he was probably having his abode at Rāyagaḍ. He visited Benares sometime before 1674 A. D. in order to secure the sanction of the Benares Paṇḍitas and especially that of Gāgābhaṭa to the coronation of Śivājī.[37] He might have accompanied Sambhājī Rājā and other members of Śivājī's family to Śrīṅgārpur, but he appears to have his residence all along with the Marāṭhā King or at the Marāṭhā capital, Rāyagaḍ, till it was shifted to Panhālā[38] when Rājārām I halted there prior to his journey to the Karnatak (October 1689). Rājārām left Panhālā for Jiñjī on 14th September 1689 and Keśavabhaṭa attended him in person in the journey[39]. Keśavabhaṭa stayed in Karnatak in Rājārām's camp till after 12th May 1694.[40]

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35. "Śyeṇavī-jātī-niraṇya", in which it is stated: "...... तथोपाध्याय केशवः . . . . एते राजापुरनिवासिनः ।" [p. 295, notes 18 and 50].

36. Govinda Kavīndra, in his "Anupurāṇa" (same adhyāya), has described this event after Śirke's flight: "रघुनाथस्ततो वेगात् केशवं विप्रपुंगवम् । गताशयं गतस्थानं गतगेहं गतप्रियम् ॥ ९ ॥" गलिताचार्यकं भ्रष्टं विभ्रमं जातसाध्वसम् । स्वहस्तगत्वे प्रणयात् स्थापयामास सादरम् ॥ १० ॥" [note 15]. Please also see note 25 in connection with the Sāvalekar Purohita branch; and for dates of capture of Śriṅgārpur, etc., Jedhe Śakāvali and pp. 313-23, Adhyāya 31, "Śiva-Bhārata" by Kavīndra Paramānanda, edited by S. M. Divekar, Poona, 1928.

37. Vide notes 53 and 54.

38. P. 39, verses 26-7, Tṛtīyaḥ Sargaḥ, and p. 42, verses 14-5, Chaturthaḥ Sargaḥ of "Rājārāma-charitam" [note 13].

39. Pp. 41-2, verses 1-16, Chaturthaḥ Sargaḥ of "Rājārāma-charitam [note 13]. 14th September was the Vijayādaśamī-day. This was taken as the auspicious day for prayāṇa. Rājārāma actually left Panhāḷā on 26th September 1689 - Jedhe Śakāvali.

40. Dāna-patra of 12th May 1694 [note 31].

Keśavabhaṭa in his "Rājārāma-charitam" described himself as:

"श्रीमान्परशुरामोसौ यस्मिन् क्षेत्रे प्रपूज्यते ।
तत्क्षेत्रवासी विप्रस्तु विधिज्ञः सत्यवाक् शुचिः ॥ ५ ॥
वेद्वेदांगनिपुणः षट्कर्मनिरतः सुधीः ।
भगवद्भक्तिनिष्णातः सर्वप्राणिहिते रतः ॥ ६ ॥
न्यायार्जितधनेनैव कुटुंबपरिपोषकः । – ॥ ७ ॥" [41]

Date of death: The Jathanāmā records the date of Keśavabhaṭa's death as Śaka 1640 Phālguna Śuddha 2 (i. e. Tuesday, 10th February 1719) [42] and that of his son Rāmachandrabhaṭa as Śaka 1625 (? month) Śuddha 3 (1703 A. D.). The latter is apparently wrong as the Marāṭhā Kings and officials continued addressing Rāmachandrabhaṭa till 15th February 1725 [43]. Similarly the date of Keśavabhaṭa's death

41. P. 30, verses 5–7, Prathamaḥ Sargaḥ, "Rājārāma-charitam" [note 13].

42. Jathanāmā of 10th October 1854, and p. 242, Vol. XX "Annals of the B. O. R. Institute" [note 21].

43. Ājñyāpatra of Suhur San Khamas Ashareen Mayā wa Ālaf, Cha. 12, Jamādilākhir (Monday, 15th February 1725) — Unpublished: Potdar's Collection.

As, however, Rāmachandrabhaṭa has not been mentioned in the Kaulanāmā of 18th March 1725 [note 33] but his children and his mother Annapūrṇābāī, it may be that his death occurred some time before or between 15th February and 18th March 1725, and on Thursday the 5th March 1725 (Chaitra Śuddha 2 Śaka 1647 Viśvāvasu Saṃvatsara) if the tithi mentioned in the Jathanāmā is correct. This conclusion would prove to be correct only if the order was written and issued while Rāmachandrabhaṭa was present in the camp. The contents of the Ājñyāpatra, however, are not precise on this point. The order simply contains the mention of Rāmachandrabhaṭa's oral complaint to Śāhu Rājā at his camp at Mahimatgaḍa. The Ājñyāpatra contains the following: "आज्ञापत्र–खमस अशरीन मया व अलफ, छ १२ जमादिलाखर . . . . वे. शा. रा. रा. रामचंद्रभट बिन केशवभट उपनाव पुरोहित गोत्र कौशिक सूत्र आश्वलायन वास्तव्य कसबा संगमेश्वर याणी किल्ले महिमतगडचे मुकामी येऊन विदित केले कीं आपण महाराज राजश्री कैलासवासी राजाराम स्वामी संनिध चंदीचे मुकामी स्वामीसेवा व कस्त मेहेनत येकनिष्ठेने केली. त्यावरून महाराज कृपाळू होऊन आपणास धारादत्त मौजे पुरिये ता। मजकूर हा गाव सर्व मान्य पुत्रपौत्रादि वंशपरंपरेने इनाम करून दिला. त्याप्रमाणे मातुश्री ताराबाई व राजश्री

is incorrect because in the Ājñyāpatra[44] issued by Saṃbhājī–II, dated Tuesday, 25th February 1718, Keśavabhaṭa is said to have died long before that date. The fact that a Tākīdpatra[45] of 13th April 1703 in the matter of enjoyment of the rights acquired by Keśavabhaṭa has been issued in the name of

शिवाजी राजे व राजश्री संभाजी राजे याणी . . . ." — [Unpublished — Potdar's Collection]. It seems, therefore, probable that Rāmachandrabhaṭa's death might have occurred sometime during the period between the date of his oral complaint to Śāhū Rājā and the date of the Kaulanāmā to Annapūrṇābāī.

44. Ājñyāpatra of Saṃbhājī II of Rājāśaka 44, Hemalambi Saṃvatsara, Phālguna Śuddha 7 Bhomyavāsare (25th February 1718): आज्ञापत्र — शंभू महाराज — राजशाक ४४ हेमलंबी संवत्सरे शुद्ध ७ भौम्यवासरे—: " रामचंद्रभट्ट पुरोहित . . . . तुम्ही स्वामीच्या राज्यांतील पुरातन आश्रित. तुमचे पिते वेदमूर्ती राजश्री केशवभट हे बहुत थोर ब्राह्मण वैदिक शास्त्रज्ञ श्रौतस्मार्तकर्मानुष्टान अनेक चातुर्य विद्यानिपुण याणी थोरले महाराज राजश्री कैलासवासी स्वामी (Śivāji) जवळी निकटवृत्तीने राहोन त्यांचा लोभ संपादून घेतला. त्यांवरी तीर्थरूप राजश्री संभाजी राजे याजवळहि राहोन त्याचप्रकारे त्यांची कृपा संपादून घेतली. याउपरि तीर्थस्वरूप राजश्री कैलासवासी स्वामी (Rājārāma I) चंजीप्रांते असतां त्याजवळ वेदमूर्ती संनिध होते. वेदमूर्ती बहुत थोर विद्यापात्र थोरले महाराजानी यांचे सर्व प्रकारें चालविले . . . . वेदमूर्तीस चंजीचे मुकामी राजशक २१ भावनाम संवत्सर वैशाख बहुल चतुर्दशी मंदवासरी . . . पूर्ये–पळचरी . . . . देऊन दानपत्र [note 31] करून दिल्हे. त्यास केशवभट निधन पावले. त्यांचे पुत्र तुम्हीहि तीर्थस्वरूप राजेश्री कैलासवासी स्वामी (Rājārāma I) चंजीप्रांते असतां त्याजवळी निकट समागमे राहोन त्यांचा लोभ विशेषच संपादन केला. त्यावरी राजश्री शिवाजीराजे बार्जी (Śivāji II) याजजवळीहि त्याच न्याये राहोन पूर्वील चंजीप्रांते असतां दोन गाव तीर्थस्वरूप कैलासवासी स्वामींनी इनाम करून दिल्हे ते दानपत्र त्यास दाखविले. त्यावरून सदरहू दानपत्राप्रमाणे मौजे पुरीये ता देवले त्या गावची सनद करून घेतली. ... एक गावची सनद राहिली आहे ... ... पन्हाळ्याचे मुकामी विदित केले ... पलचरी ... "— Unpublished: Potdar's Collection.

Mr. Gode's date of correspondence for Śaka 1640 Phālguna, Śuddha 2 as 22nd February 1718 [p. 242, "Annals"—note 21] given in his article is not correct. It should be 10th February 1719.

The sanada-patra of 20th March 1718 (Rājaśaka 44, Vilambi Saṃvatsara, Chaitra Śuddha 1, Bhriguwāsare) also confirms the contents of the Ājñyāpatra of 25th February 1718. " ... ... रामचंद्रपंडित पुरोहित ... याचे बाप वेदमूर्ती रा केशवभट होते ... " —Unpublished: Potdar's Collection.

45. Tākid-patra: Rājaśaka 34, Sarvadhāri Saṃvatsara, Vaiśākha Śuddha 4, Bhaumawāsare (13th April 1708)—Unpublished: Potdar's Collection.

Rāmachandrabhaṭa suggests that Keśavabhaṭa was not alive on this date even. Again the Parwaṇī-dānapatra[46] granting certain vṛtti rights issued on 8th August 1703 contains no reference to Keśavabhaṭa although his son Rāmachandrabhaṭa has been mentioned along with Somanāthabhaṭa Kātre and other Paṇḍitas of Saṅgameśwar. All this evidence shifts back the date of Keśavabhaṭa's death to sometime between May 1694 and August 1703. The Ājñyāpatra of 25th February 1718 relates: "Then Keśavabhaṭa died. You his son also after his death attended on and served his father (Rājārāma I) in the Jiñjī country and acquired his particular favour... ". This statement gives reason to believe that Keśavabhaṭa must have died long before Rājārāma I left Jiñjī. Rājārāma left Jiñjī about 26th December 1697 and reached Khelna (Viśāḷgaḍ, now in the Kolhapur State) on 22nd February 1698[47]. Thus according to the information given by Rāmachandrabhaṭa to Śāhū Rājā, Keśavabhaṭa's demise must have taken place sometime between May 1694 and December 1697. If the Phālguna Śuddha 2 mentioned in the Jathanāmā as the tithi of Keśavabhaṭa's death was the day of the anniversary traditionally observed according to the Hindu custom is correct, the probable dates would be Tuesday, 5th February 1695, Monday, 24th February 1696 or Saturday, 13th February 1697. Śrīkarāchārya's first letter issued in his capacity as Paṇḍitarāo yet known is dated 2nd October 1696, and as he was junior to Keśavabhaṭa in service and office, Keśavabhaṭa's death may have occurred before Śrikarāchārya was made Paṇḍitarāo.

Professional activities : By family profession, Keśavabhaṭa was Rājapurohita or Purohita, and in the contemporary work " Budhabhūṣaṇa " the characteristics of Rājapurohita are given as : " पुरोहितानां लक्षणान्याह ।

46. Vṛtti-patra: Rājaśaka 30, Subhānu Saṃvatsare, Śrāvaṇa Śuddha 7, Ravivāsare (8th August 1703)—Unpublished: Potdar's Collection.

47. Gadādhar Pralhāda Śakāvali ; p. 66, " Śivacharitrapradīpa " by D. V. Apte and S. M. Divekar, Poona, 1928.

वेदवेदाङ्गतत्त्वज्ञो जपहोमपरायणः ।
आशीर्वादपरो नित्यं एष राजपुरोहितः ॥ २१५ ॥" 48

But, as we learn from the nivādāpatra of 1600 A. D., the Purohita family was actually practising Upādhyāya vṛtti at Saṅgameśwar and Śriṅgārpur. Keśavabhaṭa was himself known as Upādhyāya, though he had the good fortune of resuming his family Purohitatva when Śivājī made his way to establish a Hindu Rājya. The characteristics of Upādhyāya as recognized by the assembly of Paṇḍitas of 1664 were:

" अथोपाध्यायलक्षणं । तत्र मनुः ।
एकदेशं तु वेदस्य वेदाङ्गान्यथवा पुनः ।
योऽध्यापयति वृत्त्यर्थमुपाध्यायः स उच्यते ॥
याज्ञवल्क्यः ।
स गुरुर्यः क्रियाः कृत्वा वदमस्मै प्रयच्छति ।
उपनीय ददद्वेदमाचार्यः स उदाहृतः ॥
एकदेशमुपाध्यायऋत्विग्यज्ञकृदुच्यसे ।
- वेदस्यैकदेशं संहिताब्राह्मणं वा धर्मार्थमध्यापयति अपरिभाषितवृत्त्यभिसंधानेन च पूर्वोक्तमध्यापयति एते त्रयोऽप्युपाध्याया इत्यर्थं इति मदनपारिजाते ॥ " 49

Keśavabhaṭa must, as was then customary, have acquired the necessary instruction (santhā) and practice from his father in his Upādhyāya vṛtti in the early age of his life, and during the life of his father and after, Keśavabhaṭa carried on his profession as the head of the family. He appears to have been sufficiently established himself by about 1664 A. D. to be recognized for invitation to attend such an important assembly [50] of the learned Paṇḍitas of the time as was held by

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48. P. 48, verse 215 of Dwitīyodhyāyaḥ, Rājanīti, " Budhabhūṣaṇa " [note 12].

49. P. 295, " Śyeṇavī-jāti-nirṇayaḥ" [note 18].

50. I quote below the pertinent extract from the "Śyeṇavī-jāti-nirṇayaḥ" [note 18] giving the names of the Paṇḍitas present at the assembly: "अयं शिवाजीराजा राज्यं प्रशासत्सवर्णाश्रमेतरायोनिवृत्तिधर्मलिंगासकरेण वर्तयन् । कदाचिद्दिदृक्षया स्वजनपदानटसह्यप्रदेशवासिनः श्येनवीति प्रसिद्धान् द्विजवेषधरान् क्षेत्राजीवान् नानाविधान्युपायनान्यादाय राजदिदृक्षया समागतान् एतान् कौकणान्दृष्ट्वा राजनिकटवासिनः सभ्यान्पंडितानेतद्देशीयभूधर्माधिकारिणश्च एषां को धर्मः किंदृगाचार इति समपृच्छत् । तत्र सभायां स्थिताः पंडिताः ॥

Śivājī at Rājāpur for deciding upon the rights of Śyeṇavīs. Here he is mentioned as Upādhyāya resident of Rājāpur. Keśavabhaṭa had thus the personal contact with the learned and renowned Paṇḍitas such as Gāgābhaṭa, Kavīndra Paramānanda, Ananta, Mahādeva Śeṣa. Keśavabhaṭa's grandfather showed sympathies towards the Śyeṇavīs and Devarukhe Brahmins as against Golawalikar Pādhyes, and Keśavabhaṭa's participation in this assembly has had great influence on his life, and was perhaps the cause of the more liberal and rational views he held in all the caste disputes or grāmaṇyās in the times of Śivājī.

गागाभट्टस्त्वनूचानो निगमागमवित्तमः । सभायां शुशुभे राज्ञः सुधर्मायां यथा गुरुः ॥ १ ॥
दीक्षितः शितिकंठश्च रघुनाथो बुधाधिपः । कवीन्द्रः परमानंदो महादेवश्च पंडितः ॥ २ ॥
प्रभाकर उपाध्यायस्तथा श्रीरंगशास्त्रिणः । नृसिंहशास्त्रिणश्चाथ भट्टविश्वंभरोऽपि च ॥ ३ ॥
अयाचितमहादेवः पंडिताग्र्यो विनायकः । सोमनाथो जगन्नाथो भट्टविष्णुस्तथैव च ॥ ४ ॥
भूगोपालाभिधोऽनंतोपाध्यायः पंडिताग्रणीः । शेषोपाख्यमहादेवः काशीस्थाः पंडिता अमी ॥५॥
सर्वशास्त्रांबुधे पारदृश्वानो वेदपारगाः । विहितानुष्ठितिरता निषिद्धानां च वर्जकाः ॥ ६ ॥
कृष्णागोदावरीनिष्ठाश्च बहवो बुधाः । स्थिता नृपसभे तत्र तथैतद्देशवासिनः ॥ ७ ॥
धर्माधिकारिणोत्यर्थधर्मशास्त्रार्थकोविदाः । ... ...
धर्माधिकारिणश्चैते गुर्जरा उपनामतः । महातपस्विनः पाण्डुरंगोपाध्यायसूरयः ॥
कुलीनाः सत्यवचना वेदवेदांगपारगाः । येषां वचः प्रसादेन देवदेवः प्रसीदति ॥
उपाध्यायो रघुनाथस्तथोपाध्याय केशवः । उपाध्यायो विश्वनाथस्तथोपाध्याय विठ्ठलः ॥
अष्टाधिकारिणश्चैते राजापुरनिवासिनः । उपाध्यायो गळवल्लीकरेऽनंतोऽभिधानतः ॥
धर्माधिकारीविप्रेशो संगमेश्वरराष्ट्रियः । ... ... "

The "Syeṇavījātinirṇaya" is said to have been recorded in order to convey the substance of the decision given by Gāgābhaṭa and others in the Sabhā or Darbār of Śivājī Rājā (गागाभट्टप्रभृतयः कृत्वा निर्णयमुत्तमम् । . . . तत्रत्य सारमादाय किंचिदत्रापि लिख्यते). Unfortunately, the name of the author is lost in a lacuna in the copy of Śaka 1734, Āśvabhujī Navamyām Mandawāsare (शके १७३४ अश्वयुजि सुदि नवम्यां मंदवासरे i. e. 14th October, 1812 A. D.. The day on Nawamī was however, Wednesday and not Saturday) preserved in the Sanskrit Pustaka Saṅgrahālaya of Rājāpur. This copy was made from the one owned by Gopāl Yajñeśwar Gurjar of the well-known Gurjara Upādhyāya family of the place. The date of the compilation of the Nirṇaya is mentioned in the body as: "क्रोधी संवत्सर माधवशुक्लपक्षत्यपक्षतस्माकीनं......" This corresponds to April 1664 or 1724 A. D., but, as Kavīndra Paramānanda, Gāgābhaṭa and others were present at the assembly, the former year has to be accepted.

Govinda Kavīndra informs us that Keśavabhaṭa came in contact with Raghunāthabhaṭa at Rājāpur. This fact he mentions after his description of the flight of Śirke (1661 A. D.). Thereafter, Raghunāthabhaṭa appreciated Keśavabhaṭa's learning and other merits and took him into the service of Śivājī (1664 A.D.).[51] Keśavabhaṭa appears to have continued as an assistant to Raghunāthapaṇḍita Paṇḍitarāo [52] for some time. In this position Keśavabhaṭa had occasions enough to widen his friendly circle as also his influence at the Marāṭhā capital. He developed good relations with Bāḷājī Āvajī Chiṭnis and other state officials. Soon he rose to eminence and secured the confidence of the Chiṭnis group, to which Paṇḍitarāo was himself attached. Bāḷājī Āvajī Chiṭnis took him into his confideracy and sent him to Benares, sometime between June 1673 and February 1674[53] along

It seems that the decision given by the Benares Paṇḍitas in the Chitale Bhaṭa case (Devarukhe Brāhmin), and Gāgābhaṭa's rational views in that assembly [1659 A. D.] must have encouraged the attempt for the consideration of the Śyeṇavīs' dispute in the Konkan. Keśavabhaṭa's grandfather showed sympathies towards the Śyeṇavīs as long ago as 1600 A. D.. The arguments made to support the case of Śyeṇavīs' rights to all Saṃskārās are not only rational but were definitely designed for the reconstruction of the society rather than solidifying it on orthodoxial lines, and were particularly directed to emphasise the need for the establishment of a Hindu Rājya in order to protect the religious and communal rights and privileges. The rational spirit so engendered remained dormant particularly in the priesthood of this part of the Mahārāṣṭra, whose supreme efforts were alone responsible for facing the orthodox section in the settlement of the disputes between the orthodox Brahmins on the one part and Kāyasthās, Devarukhes, Daivajñyās, Śyeṇavīs and Marāṭhās on the other, and thus uniting the whole of the Hindu community of the Deccan, with ever decreasing caste prejudices and vanity for birth superiority, during the Śivaśāhī period or the latter part of the seventeenth century.

51. Vide note 36.

52. Raghunāthapaṇḍita entered into Sivājī's service in 1661, was made Paṇḍitarāo in 1665 and died some time before Śivājī's coronation in 1674. Please see 'Note on Raghunāthapaṇḍita Paṇḍiarāo' [Appendix 1].

53. Pp. 546–8. "Marāṭhyāñchyā Itihāsāchī Sādhanen," Khaṇḍa Sahavā by V. K. Rajawade.

with Bhālachandrabhaṭa and Somanāṭha Kātre to argue with the well-known Paṇḍitas there the case of Śivājī's right to coronation and his competency to assume the kingly sceptre recognised by the accredited priesthood of established authority and learning in India and duly sanctified by the appropriate religious māntric and ṭāntric ceremonies. Keśavabhaṭa was not, however, quite successful in his mission, which gave him a slight set back in his career during the period of Śivājī.[54]

The circumstances, however, soon changed and Śivājī was forced to have a second coronation ceremony performed on 16th September 1674 for some deficiencies in the execution of the religious ceremonies of the first coronation designed and arranged for, as a matter of compromise, by the Brahmin group led by Moropant Piṅgaḷe, Bāḷambhaṭa, Raghu nāthapaṇḍit Jośīrāo Amātya Kalyāṇakar[55] and Āṇṇājī Datto, then in ascendency.[56] The betrayal of Gāgābhaṭa from his

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54. P. 14, "Grāmaṇyāchā Sādyanta Itihāsa" by K.S. Thackerey, Dadar, 1919; pp. 158–9, Śrī Malhāra Rāmarāokṛt "Śrī Śivachhatrapatīche Sapta-prakaraṇātmaka Charitra"; p. 11, Kāyastha Prabhūñchī Bakhar, "Kayāstha Prabhūñchyā Itihāsañchī Sādhanen", Aṅka 2; p. 160, 'Baḷājī Āvajī', "Prabhuratnamālā, Prathama Guchha" by S. G. Mujumdar, Baroda, 1896.

55. Raghunāthapaṇḍit Jośīrāo Amātya was a native of Kalyan and Chitpawan Brāhmin. He led two grāmaṇyās against Prabhūs, the first against Baḷājī Āvajī and the second against Raghunātharāo Prabhu Mahāḍkar then residing at Kalyan. These grāmaṇyās were decided and set aside by Raghunāthapaṇḍita Paṇḍitarāo in 1669 and 1672 A. D..

56. Jedhe and other Śakavalīs. There were two parties in this Rājyābhiṣeka-prakaraṇa is beyond doubt and almost all the Bakharkārs and other writers do mention this fact. I quote a Marāṭhi translation of an extract taken from the Dutch Records—a contemporary and unbiased source — dated 13th October 1674: "पुष्कळ दिवस पूर्वतयारी होऊन जूनमध्यें शिवाजीच्या राज्याभिषेकाची संपूर्ण तयारी झाली. आणि ब्राह्मण व विद्वान भट्ट व सहकुटुंब असे सुमोरे ११ हजार लोक रायगडावर जमा झाले. शिवाजीनें मुख्य व विद्वान् ग्रहस्थांना आपला हेतु सांगितला. हल्लीची भोसले (मराठा-शूद्र) जाती सोडून क्षत्रिय (रजपुत) ज्ञातींत प्रवेश केल्याशिवाय आपल्याला मुकुट धारण करतां येणार नाहीं; करितां आपल्याला त्या ज्ञातींत घ्यावें अशी त्यानें विनंति केली. तुमचे पूर्वज पिढ्यान्‌पिढ्या भोसलेच असल्यानें तसें करणें अशक्य आहे, असें विद्वज्जनांनीं सांगितलें.

original rational ideas and progressive spirit was believed to be the cause of several mishaps and calamities that overwhelmed Śivāji during the very short interval between the first and the second coronation [57]. These calamities, too severe and multiplied as they were, compelled Śivājī to give way to Jāpakās to power, whose influence thenceforward dominated all the religious performances that took place in the Bhonsalā family. These Jāpakās supported by the Chiṭṇis group (as a matter of revenge for the mischief played by Raghunāth Jośī's group) were further patronized by Sambhājī simply because of his insecure position as regards his own heirship to the throne and the favourable effects assured as the result of the ceremonies arranged and designed by them. The descensions at Śivājī's capital gathered undesirable intensity through Śivājī's weakness towards his wife Soyarābāī, the check on whose party so far exercised was relaxed by the deaths of Śivājī's (fourth) wife, who partook in the first coronation,

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भोसले क्षत्रियांचेच वंशज आहेत, आणि असें जातिपरिवर्तन होऊं शकेल असें शिवाजीचें म्हणणें पडलें. तेव्हां प्रथम क्षत्रिय बनल्याशिवाय शिवाजी मुकुट धारणाला योग्य होणार नाहीं, असा विचार करून आणि पूर्वीसारखें जुलमानें राज्य न करण्याचें त्यानें वचन दिल्याचें लक्षांत घेऊन, गेल्या २९ मे रोजीं दुसऱ्या पक्षाच्या मंडळींनें त्याला मोठ्या समारंभानें क्षत्रिय करून घेतलें [i.e. Thread-ceremony was performed—Jedhe and other Śakāvalis]. क्षात्रधर्मांची दीक्षा ते देणार होते; परंतु ब्राह्मण्याचा (द्विज) आचार आपल्याला शिकवावा अशी त्यानें इच्छा दर्शविली. ही गोष्ट त्यांना मान्य होईना. परंतु त्यापैकीं एका मुख्यानें [Gāgābhaṭa] आपली संमति दिली. [Probably this refers to the samantraka marriage ceremony performed on 30th May after soḍamuñja], आणि शिवाजीनें त्याला ७०००. होन बक्षीस दिले. एक दिवस त्याबद्दल संस्कार करून १७००० होन धर्मार्थ वाटून दिले. ... ...सर्व आवश्यक धार्मिक विधि यथास्थित झाल्यानंतर ५ जून रोजीं मुद्दाम आणलेल्या गंगाजलानें (रात्रीं) स्नान करून . . . दक्षिणा दिली . . . ६ जून रोजीं पहाटेस ५ वाजतां त्यानें मुद्दाम बनविलेल्या सिंहासनावर आरोहण केले." —[pp. 504–5, "Sivakālīn-Patra-Sāra-Saṅgraha (Śake 1488 to 1604)," Triṣaṭ Sāṃvatsarika Śiva Smāraka Granthāwali, Śake 1851, published by Śivacharitra Kāryālaya, Poona, 1930].

57. Śakāwalis; pp. 29–40, "Sriśivarājyābhiśeka-kalpataru" by Nischalpuri (Nārāyaṇabhaṭa Govind Barwe ?) edited by D.V. Apte and Rao Bahadur K. N. Dikshit, "B. I. S. Maṇḍala Quarterly", Vol. X, no. 1 (March, June 1929), Poona; pp. 4–8, "Aitihāsika June Lekha, Pustaka III" by B. S. Kulkarni, Bombay, 1920; pp. 16–8, "Grāmaṇyācha Sādyanta Itihāsa" by K. S. Thackerey, Bombay 1919.

and his mother Jijābāī, who had shown distinct inclination and perhaps partiality towards Saṃbhājī's cause. Keśavabhaṭa apparently took the opportunity to join the adherents of Saṃbhājī and thus recovered his position with added importance and respect for his literary achievements by the time Saṃbhājī assumed the administration of the country [58].

Soon after the death of Śivājī and Saṃbhājī's holding the reins of his father's kingdom, Keśavabhaṭa was made Paṇḍitarāi and was actually entrusted with the duties of Dānādhyakṣya. It seems, the work on Nīti was completed by him about this time.[59]

We are not informed of what role he played in the coronation ceremonies of Saṃbhājī, but Govinda Kavīndra informs us that he led the Putreṣṭī Yajñya which was performed by Saṃbhājī. This event took place sometime before Śāhu's birth (18th May 1682), and Śāhu is said to be the favour of God through this Yajñya. This Yajñya was performed with the assistance of Śivayogi and other Siddha Jāpakās.[60]

The next reference to Keśavabhaṭa is in the Dānapatra of Saṃbhājī Rājā dated 29th December 1684[61] by which he gave Keśavabhaṭa certain Dāna in laris for "प्रयोगरूपकृत रामायणश्रवण कल्पोक्त on मकरसंक्रांति महापर्वणि". This gift has been attested by Moreśwar Paṇḍitarāo Dānādhyakṣya and Kab Kalasa Chandogāmātya. The purpose of the gift is repeated as : "राजश्री केशवभट बिन दामोदरभट पुरोहित यांच्या मुखें राजश्री संभाजीराजे छत्रपति याणी श्रीरामायेणप्रयोगरूप श्रवण केले" in a confirmatory sanad of 25th March 1692 by Rājārām Chhatrapati.[62] In a later document

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58. Govinda Kavīndra's "Anupurāṇa" [note 15]; also sarga 3 of "Rājārām-charitam" [note 13].

59. Vide note 23.

60. Last portion of Keśava-mahātmya-adhyāya, "Anupurāṇa" by Govinda Kavīndra [note 15].

61. Vide note 30.

62. Sanādparta: dated Isane Tisain va Alaf, 16 Rajab, confirming the gift of 1600 laris of Khamas Samanin — Potdar's Collection.

of 7th May 1722[63] it was stated as: "रामायेणपुराण श्रवण केले". It is difficult to determine what kind of performance was this. Later writers have apparently mistaken this to be 'a recital of the great epic Rāmāyaṇa'. As the whole performance was intended for the Saṅkrānti Parwaṇī in particular, it must have been designed to afford some special tāntric values. It does not appear to be a mere recital of an abridged story of the great epic or a small act featured for the occasion.

Keśavapaṇḍita next appears among the signatories to a Śuddhipatra of 16th March 1686,[64] in which he attests his 'sammatam' to his signature. This significant addition to his signature confirms the information that he was acting as Upa-paṇḍitarāi or Dānādhyakṣya. As Paṇḍitarāo attests his 'sammatam' to the King's mandate, probably Upa-paṇḍitarāo or Dānādhyakṣya has attested his own 'sammatam' to the order issued by his chief, Moreśwar Paṇḍitarāo.

Sambhājī was tortured to death by Aurangzeb on 11th March 1689 and the Mogul army made a vigorous drive into the Marāṭhā country from all directions. Rājārām and chief officials thought it unwise to shut themselves in Rāyagaḍ, which was being besieged. They escaped to

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63. Sanada issued to Rāmachandra Keśava Purohit: Rāj-Śaka 49, Śubhakṛt Saṃwatsare, Jeṣṭha Śuddha 3, Mandawāsare: "सातान्यास येऊन आपले पिते केशवपंडित हे महाराज रा. कै. स्वामीजवळ होते त्यांचे दानाध्यक्ष्याचे प्रयोजन महाराज चेत होते. त्याउपरि रा. कै. स्वामीजवळ होते. तेच प्रयोजन त्यानी त्याचे मुखे रामायण पुराण श्रवण केले . . ." —Potdar's Collection.

64. Śuddhi-patra of 16th March 1686 issued by Upādhyes and Moreśvar Paṇḍitarāya Dānādhyakṣya to Deshmukhs, Deshpandes and Jyotiśis, Upādhyes and samasta Vedamūrti of Harsul, Prant Aurangabad and samasta Mahārāṣṭra, Konkana Deśastha Vidwadvaidika Grahasthās Gosavis in the matter of reconversion to Hinduism of Gaṅgādhar Raṅganātha Kulkarṇi of Harsul—[pp. 36–8, Lekhāṅka 40, "Marāṭhyāñchyā Itihāsāchī Sādhanen," Khaṇḍa 8 wā, by V. K. Rajawade—Granthamālā Series (Kolhapur, 1903)]. In this letter, among 13 Upādhyes and 11 officials, Keśavapaṇḍita signs third on the side of the Upādhyes as "समतं केशव पंडितस्य" without any designation or seal, the first signatory being Moreśwar Paṇḍitarāi, second Kavi Maheśadās.

Panhālā, but here also they found the enemy too strong. It was, therefore, considered proper to escape to Jiñjī country to gather force against Aurangzeb. The journey was, however, through the enemy country and was most insecure. All possible precautions were being taken for safe journey and special invocations to gods and goddesses were not being omitted. Keśavapaṇḍita was required to lead the performance of Bilwaśākhā worship of goddess Bhavānī. This worship was called Bilwaśākhāprabodhanavrata and was expected to help spiritually to make his journey quite safe and successful. Keśavapaṇḍita himself describes the event as:

अथ स्वप्ने भवानी तं राजानं भक्तवत्सला ।
उवाच पुत्र मा भैषिर्बिल्वशाखार्चनं कुरु ॥ १८ ॥
सर्वे विघ्ना विनश्यंति सफलस्ते मनोरथः ॥ १९ ॥
तदिदानीं महाराजन् राजीवसमलोचन ।
मया सुगुप्तः सततं यत्रकुत्रापि गच्छ भोः ॥ २२ ॥
दुर्बुद्धयो न शक्ष्यन्ति द्रष्टुं त्वां किमु धर्षितुम् ।
एवं भवानी तं भूपं सांत्वयित्वा महानिशि ॥ २३ ॥
पुरतस्तस्य नृपतेरंतर्धिमगमदद्भुतम् ।
ततः प्रभाते नृपतिर्द्विजाग्रेभ्यः प्रशंस तत् ॥ २४ ॥
द्विजाभयमिति प्रोचुर्यथार्थं देविभाषितम् ।
ततो नृपः समादिश्य बिल्वशाखाविधौ द्विजान् ॥ २५ ॥
श्रीविट्ठल्केशवमुखात् साचार्यान्सपुरोहितान् ।
कृतं तैर्विधिवत्तत्र बिल्वशाखाप्रबोधनम् ॥ २६ ॥
भगवत्याः सुराधीश तेनाजय्यो नृपोऽभवत् । – ॥ २७ ॥

The worship seems to have been performed on the eighth day of Nawarātra, i.e. on 12th September 1689, at Panhālā.[65]

On the Dasarā or Vijayādaśamī day, the 14th of September 1689, Rājārāma underwent the departure ceremony, when Keśavapaṇḍit along with others sung the swastyayana rituals and wished a successful journey to him.[66]

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65. Sarga three, "Rājārām-charitam" [note 13].

66. See verse 15, Sarga 4, "Rājārām-charitam" which runs : "द्विजैः कृतस्वस्त्ययनः केशवाद्यैर्विशेषतः । – ॥ १५ ॥ " [note 13].

Although the ceremonious departure of Rājārām and his followers took place on 14th September, they actually left Panhāḷā on 26th September and reached Velor on 28th October. Rājārām was, on his way to Jiñjī, at Chenāpaṭam on 20th December 1689. As Keśavapaṇḍita describes the journey on 4th January 1690 with particular details of religious ceremonies performed by Rājārām on certain sacred rivers, it appears that Keśavapaṇḍita accompanied Rājārām and attended on him in person.[67]

Keśavapaṇḍita describes the date of his compilation of "Rājārām-charitam" as:

शुक्लवर्षे माघमासे शुक्लपक्षे शनेर्दिने ॥ १० ॥
चतुर्थ्यां भाविवृत्तांतं राजारामजयावहम् । – ॥ ११ ॥

This corresponds to 4th January 1690. In the five sargās, Keśavapaṇḍita has mainly described the happenings at Panhāḷā and those while on journey to Jiñjī.[68] As "Rājārām-charitam" has been published separately in a book form, it is not intended here to enter into further details about the work.

The last mention of Keśavapaṇḍita yet traceable is that in the Dānapatra[69] issued by Rājārām from his court at Jiñjī dated 12th May 1694. It, however, adds no more information to our knowledge about his professional life.

Parabhukathā - a spurious document: My friend Mr. P. K. Gode, as I have already mentioned before, has tried to fix the identity of Keśavapaṇḍita, the author of "Rājārām-charitam" with one Keśavapaṇḍita, the author of a small composition entitled "Parabhūkathā" or "Parabhū Kāyasthānām Kulāchāranirṇayaḥ" (परभूकथा अथवा परभूकायस्थानां कुलाचारनिर्णयः). He has already published the text of this work in extenso.[70] In assigning this work to

67. See verses 31–2, Sarga 4, and 16–7 of Sarga 5, "Rājārām-charitam" [note 13]. Jedhe and other Śakāwalis.

68. Sarga 1, "Rājārām-charitam" [note 13].

69. Vide note 31.

70. 'Some verses about the Kāyastha-Prabhus, composed by Keśavapaṇḍita by the order of King Sambhāji, son of Śivājī, C. A. D. 1675'—pp. 235–48, "Annals of the B. O. R. Institute, Poona," Vol. XX, Poona, 1940.

Keśavapaṇḍita, the following colophons were mainly relied upon:

श्रीमत् शंभूराजकृत श्लोका यथा ॥

... ...

इत्थं शंभुर्नृपो धर्मं कायस्थानामभाषत । नृपाज्ञयाथ बध्वा तमर्थं केशवपंडितः ॥ ३३ ॥ एवमन्येऽपि परभूकायस्थानां कुलाचारनिर्णयः श्लोका सन्ति परंतु विस्तृतिभयान्नात्र लिखिताः ।,[71] and

इति श्री शंभुराज्ञया शंभुराजसभायां विद्वज्जनसहकेशवपंडितकृतकायस्थपरभू-निर्णयः ॥ शके १५९७ राक्षसनामसंवत्सरे तद्दिने रामचंद्रज्योतिर्विदाकल्याणस्थेन लिखितं[72]

Mr. Gode's conclusions in regard to the authorship of this composition are:

"(1) The title of the verses taken together was कायस्थपरभूनिर्णय.

(2) The verses were composed by Keśavapaṇḍita by the order of Śambhurāj or Sambhājī in consultation with other learned men of the court of Sambhājī.

(3) The verses were copied by one Rāmachandra Jyotirvid or Jośī of Kalyāna in śaka 1597 or A. D. 1675 [17th March 1675 to 4th March 1676].

The year of the Kalyāṇa copy of Keśavapaṇḍita's work viz. A. D. 1675 (śaka 1597) seems to show that this copy was prepared in the very year in which the Prabhu-grāmaṇya of 1597 took place ... ...

I am inclined to believe that Keśavapaṇḍita who composed the verses under discussion is indentified with Keśavapaṇḍita the author of the Rājārāmcharita published by Mr. V. S. Bendrey."

71. In the B. O. R. I. manuscript no. 567, the following occurs for this portion of the colophon: "इत्थं तु परभूवृत्तमभूच्छाहो प्रशासति । स्मृत्यर्थं तत् पत्रिकाभिरवध्नात् कोपि पंडितः ॥"

72. A manuscript in the Limaye Collection of the B. O. R. Institute; B. O. R. I. manuscript no. 567 of 1883–4; and "Prabhu Kathā" from the B. I. S. Maṇḍaḷa, Poona. This part of the colophon is written in the top margin of folio 11 of manuscript no. 567.

There are only 33 verses in the composition. The text of all copies is hopelessly corrupt and ungrammatical. The colophons copied above are the versions corrected by Mr. Gode. In all there are not less than 36 corrections in 33 simple and descriptive verses.

The late Mr. V. K. Rājawāḍe, in his paper "श्री गागाभट्टकृत शिवराजप्रशस्ति व कायस्थधर्मदीप"[73] had placed the same reliance on this spurious and antidated "Parabhū-kathā"[74] especially because the contents of this "Kathā" were found incorporated in a letter of Śaṅkarāchārya issued to some 75 Brahmins in connection with the grāmaṇya incited by the Thatte-Nātu group. In my paper "संभाजी, लेख १ ला – छत्रपती संभाजी महाराज यांचें राज्यारोहण व मराठा-स्वराज्य" read in the Nineth Saṃmelan of the Bhārata Itihāsa Saṃśodhaka Maṇḍaḷa (1921), I pointed out that the letter was one forcibly taken from the Śaṅkarāchārya in 1829 by the Thatte group and that, as soon as the Śaṅkarāchārya was free to express his real opinion, he issued another letter[75] in 1830 denouncing the previous letter, declaring that it was given under threat and confirming the rights of Chāndrasenīya Kāyasthās as decided by Gāgābhaṭa and Śivāji[76]. It is significant that the letter so disowned by

73. Pp. 27–49, "Chaturtha Saṃmelana Vṛtta of Sake 1838," B. I. S. Maṇḍala Sweeya Granthamālā, no. 18, Poona, 1917.

74. This copy of the "Parabhū-kathā" has been supplied by Mr. R. K. Patankar of Rajapur to the Bhārata Itihāsa Samśodhaka Maṇḍaḷa.

75. Original copies of both the letters with seals of Śaṅkarāchārya etc. were obtained from the Kāṭhewāḍ-Divāṇaji's Saṅgraha of Baroda and exhibited at the Navama Saṃmelana of the B. I. S. Maṇḍaḷa presided by the late Rao Bahadur K. N. Sane.

76. The pertinent portions from the second letter of Śaṅkarāchārya is quoted below :

"यद्ग्रंथानुरोधेन चान्द्रसेनीय कायस्थानां वैदिककर्माधिकारबाधकं पत्रं प्रतिपक्षी अस्मत्सकाशाद्गृहीतवान्तादृश्यग्रंथीय वचनैरेव चान्द्रसेनीयानां वैदिककर्माधिकारबाधनसंभवाद्भवदीयः शास्त्रार्थः सत्यः चान्द्रसेनीय विद्वेषिणान्तु संस्थानोपद्रवभीत्यादत्तं शासनपत्रं वचनार्थ पर्यालोचनेन मिथ्यैव . . . . (मराठी भागांतील) जीं पत्रे व सारांशाच्या यादी चांद्रसेनीय प्रभुज्ञातिकडील वैदिक कर्मे उच्छेदाविसी आम्हापासून घेऊन जागजागीं पाठविलीं ती दरोबस्त खोटीं सबब रद्द करून हल्लीं हें पत्र लिहिलें आहे. तरी चांद्रसेनीय कायस्थ प्रभु ज्ञातीस . . . वेदाधिकार आहे . . ."

Śaṅkarāchārya, the Kathā and the copies of certain Smṛtigranthās then prepared by the Thatte group all agree in their readings of certain quotations from the Sahyādrikhaṇḍa and other authorities, which readings differ from those in the older and other copies available elsewhere. I then expressed my conviction that not only that there was no reason for Śivājī to refer the matter to Saṃbhājī as Śivājī had issued ere long definite orders on this point and also because the Kṣyatriyatwa of Marāṭhās was duly established and recognised by then, but Saṃbhājī could not have decided the matter in the way he is supposed to have done in this Kathā and as quoted in the letter forcibly obtained by the Thatte group from the then Śaṅkarāchārya. I had not then examined the Kathā from the point of its authorship. Keśavabhaṭa did not attract my or my colleague's attention so much at that time.

I quote my friend Mr. Gode for the brief contents of the 33 verses of the "Parabhūkathā":

"Bāḷājī Prabhu of the Kāyastha caste hailed from the village Pāñchvaḍa founded by Śivājī. He was a scribe to Śivājī. Bāḷājī wanted to perform the Muñja ceremony of his son Khaṇḍo and made arrangements accordingly. He went to Śivājī with an invitation for the Muñja ceremony. Śivājī directed Bāḷājī to follow the advice of Saṃbhājī in this matter of the performance of the Muñja ceremony of his son. He, therefore, approached Saṃbhājī and invited him to attend the ceremony. Saṃbhājī refused to allow the performance of the ceremony, as according to the Śastrās the Kāyasthās could not do so. Thereupon Bāḷājī returned home rather disappointed and then dispersed his friends and relatives that had gathered at his house for the Muñja ceremony. —Keśava Paṇḍita composed by royal order these verses containing the substance of Saṃbhājī's advice to Bāḷājī Parabhu."

Please also see photograph copies published in "Chāndrasenīya Kāyastha Prabhu Grāmaṇya Prakaraṇāntīla Pāñcha Assala Ājñyāpatren" edited by T. V. Gupte, Poona, 1914. A further letter of Śaṅkarāchārya of 20th July 1913 also quotes some of the portion of the letter of 1830.

This composition is perhaps a fine example of how and in what respects a fabricated document prepared at a later date fails to satisfy the factual or contemporary test. An event of common knowledge and wide publicity seldom permits fabrication. The story in this Kathā, apart from its contents on purely religious topic, possessed no public interest, nor received any place in the political tradition of the country. Any information that was preserved in the papers of the individual families concerned was not public. The event was thus one in which a fabrication was less likely to be challenged or publicly disbelieved. A construction of a story at a very remote date has, however, to share not only the distortion, even though unintentional, of facts but the convictions and prejudices of the author and his times, and these afford clues for determining the non-contemporaneous character of the writing and also the age in which it is attempted.

The only information which has apparently reached the time of the writer was that some Brahmin officials put obstacles in the performance of the thread ceremony of Bāḷājī's son with Vedic mantrās, and the dispute was referred to Gāgābhaṭa at Benares. Gāgā's Kāyasthadharma-Paddhati (Kāyastha-dharma-Pradeep and Kāyastha-Dharma-Deepa) were available. No more historical details were known on either side. It is unnecessary here to go into the religious or social side of the dispute. It is not the record but the actual practice that decides the issue. The event of the Kathā relates to the thread ceremony of Khaṇḍ Prabhu.[77] On the contrary, from the original papers[78] available with the Chiṭṇis and other families, it is clear that the only grāmaṇya in which Bāḷājī Āvajī Chiṭṇis was individually involved was that in connection with the thread ceremony of his eldest son Āvajī by his

77. Verses 4, 5 and 10 of the "Kathā" [note 70].

78. "Aitihāsika-June-Lekha," Pūstaka 1 and 2, "Chiṭṇis Gharāṇyāchī Saṃkṣīpta Māhitī wa Sanadāpatren" and Pustaka 3 "Chāndrasenīya Kāyastha Prabhūñchyā Grāmaṇyāchī Saṃkṣīpta Māhitī va Ājñyāpatren" published by B. S. Kulkarni, Bombay, 1919-20, "Prabhuratnamālā," by S. G. Mujumdar, Baroda. etc..

first wife. This grāmaṇya was set right by Śivājī by a reference to Benares Paṇḍitas. Govindabhaṭa Kheḍkar[79] prepared a case for the Chāndrasenīya Kāyasthās in his "Govindabhaṭṭi" and obtained the saṃmatas of Gāgābhaṭa, Anantadeva and other Paṇḍitas of Benares after discussion there. Gāgābhaṭa himself compiled "Kāyastha dharma-Pradeepa"[80] (this is not to be mixed with the "Deepa" for Śaṅkarāja Kāyasthās) to support the Chāndrasenīya Kāyasthās' rights. Kamalākarabhaṭa also wrote his "Śūdrakamalākara" at this time. On the strength of these authorities, Raghunātha Paṇḍitarāo issued his proclamatory orders of 23rd November 1669[81]

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79. "चां. का. प्रभु मंडळी दक्षिण कोकणप्रांतीं उतरल्यानंतर कुलगुरु वंशांतील जोशी कुळांतील विठलभटजीच्या वंशांतील गोविंदभट जोशी गोत्र काश्यप देशस्थ ब्राम्हण हे शके १५४२ मध्यें कोंकणप्रांतीं आले व त्यांजपासून दक्षिण देशीं टकले वंश फैलावला. गोविंद जोशी यांही वृत्ती पुत्रास देऊन स्वतः श्रीक्षेत्र काशी येथें जाऊन संन्यास घेऊन श्रीपाद स्वामी नाम पावून दशाश्वमेधाचे घाटावर राहिले. या श्रीपादस्वामींची पुण्यतिथी आषाढ शु. १५ चे दिवशीं टकले वंशज करतात. गोविंद जोशींचे वंशीं अनंत जोशी उर्फ नाना जोशी ... राजापुरी राहात होते ..." [pp. 20–1, "Prabhukuladīpikā" by R. N. Vilekar, Baroda, 1912.] Without a confirmatory evidence, it is difficult to connect Triṁbakabhaṭa Kheḍkar mentioned in Murār Jagadeorāo's Dānapatra of 23rd September 1633 [p. 19, "Sanads and Letters" by G.C. Vād, 1913]. "गोविंदभटानें गोविंदभट्टी हा ग्रंथ करून दिल्हा आहे. तेसमयीं प्रभुमंडळी याणीं गुरुदक्षणा म्हणून आपले ज्ञातीचें गुरुत्व दिल्हे. नंतर ते संन्याशी जाहाले. गोविंदभट्टी व शास्त्रीसमतपत्रें महाबळेश्वर करवे, वटेश्वरभट व दिनकरभट टकले या शिष्यांनीं आणलीं." [p. 9, Kāyastha Prabhūñchī Bakhar, "C. K. Prabhūñchyā Itihāsāchī Sādhanen," Pustak 1, Issue 2, September 1881].

80. A manuscript copy of "Kāyastha-paddhati or Kāyastha-dharmapradeepa" in the Baroda Oriental MSS. Library is dated Saṃvat 1727 (1670–1 A.D.). This has been referred to by Raghunātha Paṇḍitarāo in his letter of 18th August 1672 [note 83]. It was first printed in 1873 in Bombay. "Kāyastha-dharma-deep" was written by Gāgābhaṭa after he came to the Deccan and sometime after the coronation of Śivājī. Both of these have been republished in "Rājawāḍyāñchī Gāgābhaṭṭī" by K. T. Gupte, Poona, 1919.

81. Letter of Raghunāthapaṇḍita Paṇḍitarāo dated Śake 1591, Saumyanāma Saṃwatsare, Mārgaśīrśa suddha 11, Sabaina Alafa: (23rd November 1669): "ब्राम्हणाचे तर्फे खळबळ होती. यास्तव समस्त पंडित मंडळीं श्रीमत् महाराज शिवाजीराजे यांनीं मेळवून, ज्याचा जो धर्म त्याचा त्यांनीं करावा त्यांत बखेडा करूं नये. धर्मस्थापनेकरितां आमचे साहस. त्यांत अधर्माचा दोष न यावा, अशी आज्ञा जाली.

and Śivāji thus gave protection to Chāndrasenīya Kāyasthās in the performance of their Saṃskār ceremonies with Vedic mantrās. Śivājī himself attended Āwajī's thread ceremony along with his other ministers[82]. Another trouble was created by the same Raghunāthabhaṭa Jośīrāo Amātya Kalyāṇakar at Kalyāṇa in the case of the thread ceremony of Raghunātha Prabhu's son. Again, Raghunātha Paṇḍitarāo issued orders on 18th August 1672 and saw the ceremony through[83]. Āvajī was killed in August 1681 and he left no much personal tradition behind. On the contrary Khaṇḍo Ballāḷa became too well known in history and tradition. Khaṇḍojī was born at Rāyagaḍ in 1668–69[84] and his thread ceremony was performed sometime after 1676, not earlier. The Kathā is a metrical composition and "Khaṇḍa" would not take the place of "Āvajī" with due concord with the metre of the verses[85] where his name is mentioned. This is not, therefore, an

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त्यावरून यथा शास्त्रार्थ ग्रंथा वलोकन करून निर्णय चांद्रसेनी शुद्ध क्षत्रियवर्ण सिद्ध जाल्यानंतर श्रीक्षेत्रीं सरकारांतुन गोविंदभट खेडकर यांस राज्यश्री बाळाजी आवजी चिटनवीस यांनीं विनंती महाराजास केल्यावरून पाठविलें. तेथें मच्छकराच्यायांनिवय सद्गुरु अनंतदेवस्वामी व गागाभट आदि-क्षेत्रस्थ यांनीं निर्णय करून शास्त्रमार्गे तुमचा धर्म यथोचित संमति लेहून पाठविली. चांद्रसेनी दालभ्य गोत्री प्रसिद्ध राहातील. ते क्षत्रियवर्ण कलयुगीं आहेत. त्यावरून कोंकणप्रांतीं महालों महालीं कळविलें आहे . . . ." [No. 54, p. 14, "Aitihāsika–June–Lekha Pustaka 3," published by B. S. Kulkarni, Dadar, 1920; the issue of "Dīnabandhu" of 1st December, 1906; p. 19, "Grāmaṇyāchā Sādyanta Itihāsa" by K.S. Thackerey, Dadar, 1919; p. 316, "Prabhuratnamālā" by S. G. Mujumdar, Baroda, 1896; etc].

82. P. 3, "Materials for the History of the Kāyastha Prabhus, Book 1," issue 5, December 1881 by B. A. Gupte, Bombay.

83. Letter of Raghunāthapaṇḍita Paṇḍitarāo dated Śake 1594, Paridhāvināma Saṃvatsare, Bhādrapada śuddha 6 Sunday, Sahur San Salāsa Sabain va Alaf (18th August 1672): "श्रीवारणसीस वेद. मूर्ति गोविंदभट खेडकर हे पाठवून सद्गुरु अनंतदेवस्वामी व गागाभट भटवंशी याजकडोन सकल शास्त्रार्थ निर्णय मार्गे तुमचा धर्म चाले असा कायस्थप्रदीप म्हणवून उत्तम ग्रंथ आणिला. तो देशामध्ये सकल ब्राम्हण लोकांशी संमत असे. म्हणवून बाळाजी आवजी आदिकरून येणेंप्रमाणें सकळ धर्मकृत्य चालत आहे. त्यावरून आपली कर्मे करीत जाणे ... ... " [p. 21, "Grāmaṇyāchā Sādyanta Itihāsa" by K. S. Thackerey, Dadar, 1919].

84. P. 214, 'Khaṇḍo Ballāḷa Chiṭnis,' "Prabhuratnamālā," by S. G. Mujumdar, Baroda, 1896.

85. Verses 4, 5 and 10 of "Parabhukathā" [notes 70 and 77].

error made by a copyist but by the author himself. Such a mistake is impossible at the hands of any contemporary person: only a writer of the time when Āwajī was completely forgotten could do it.

Bāḷājī was supposed to be residing at Pāchād. Bāḷājī and his family were particularly required to stay at Rāyagaḍ especially after the grāmaṇya of 1669[86]. Rāyagaḍ, however, lost all importance as a residential place soon after its capture by Aurangzeb. Pāchād at the foot of Rāyagad became, as in the cases of other forts, a place of habitation. Pāchād is, therefore, wrongly taken to be the place simply because it was so in the later Peśavāi period.

By 1675, Bāḷājī Āwajī had risen to considerable importance and power. Śivājī had offered to make him his Pradhān, but he preferred his position as Chiṭṇis for various reasons.[87] As the Secretary to the State, practically all the administration was in his hands. He was given the right of using Pālkhī for his conveyance.[88] Śivājī's confidence in him was so great that he had become the object of envy among the chief officials. In these circumstances, no contemporary person connected with the household of Śivājī would[89] ever dare to address Bāḷājī so spitefully (e.g. कश्चित्कायस्थो नृपलेखकः) as is done in this Kathā. It is only a far remote writer who could indulge in ventilating his own grievances with such spite and envy. Again, Bāḷājī was known to be an astute politician. It is quite improbable that he would conduct himself so loosely in this affair as to stake his prestige and reputation.

Śivājī had issued two definite orders of 1669 and 1672 in the matter discussed in the Kathā after a reference to the

86. In all the papers describing the grāmaṇya of 1668–9 and the opposition to the coronation, Śivājī's order to require Bāḷājī Chiṭṇis to stay near him and not to mix with other officials is repeated.

87. Śivājī's Ājñyāpatra of 9th June 1674, p. 17, "Aitihāsika June Lekha, Book 1," etc [note 81].

88. On 13th October 1673. Śakāvali, p.50, "Śivacharitrapradīpa," B. I. S. Maṇḍala Puraskṛta Granthamālā, no. 4 by S. M. Divekar, Poona, 1925.

89. Verse 3 of the Kathā [note 70].

highest authority of the Benares Paṇḍitas.[90] Śivājī got himself coronated on 5th June 1674 with Vedic mantrās after a stubborn and continued opposition by his Brahmin ministers. He underwent the thread ceremony on 29th May 1674 even in his old age and got himself remarried on the next day with his wife with Vedic mantrās in order to establish his Kṣatriyatwa or rather Dwijatwa. His son Saṃbhājī also underwent thread ceremony on 21st January 1675 immediately after Śivājī's coronation. In view of all these events, it is difficult even to imagine that a straightforward man like Saṃbhājī could blind himself to the actualities and declare himself against his own deeds and convictions. It was certainly difficult for him to disregard the injunctions of Gāgābhaṭa as also the orders of his father in the matter. True history of Saṃbhājī and his times was not known even to the Bakhar-writers of the Peśavāī period. They knew that he was versed in Sanskrit and was entrusted with some power and administration in the kingdom after the coronation. The mistake was thus only possible if the Kathā is compiled in the later Peśavāī period.

From what has been recorded above, it is clear that Keśavabhaṭa belonged to Bāḷājī's party and took the lead whenever required. A man of his position and so closely acquainted with Bāḷājī and his family could ever make the mistakes referred to above or would commit himself so grossly against Bāḷājī. On the contrary, he seems to have remained true to his faith and a staunch adherent of Bāḷājī's cause even as late as 1691. While mentioning Khaṇḍo Baḷḷāḷ in his "Rājārāma-charitam", he re-affirms his own conviction and records the basic fact in favour of the Chāndraseniya Kāyasthās' dispute as :

खंडोबल्लाळमुख्याश्च कायस्थाश्चित्रगुप्तजाः ।
चन्द्रसेनान्वयाश्चान्ये श्रीदाल्भ्यकृतगोपनाः ॥ २२ ॥[91]

Keśavabhaṭa's leanings and convictions were definitely against the contents of the Kathā and hence it is not correct to identify him with the author of the Kathā.

90. Vide notes 81 and 83.

91. Verse 22, Sarga 4, "Rājārām-charitam" [note 13].

There were several occasions in the Peśavāī period when the dispute between the Chāndrasenīya Kāyasthās and Brahmins cropped up. Several original decisions, orders and letters are available, but in none of them is given the slightest reference to the episode of this Kathā by either party. A "Wārtā" (an heresay account) dated 16th November 1749[92] has been published in the "Āṭhale Gharāṇyāchā Itihās", but its contents as also the other records of the same family published in the same book do not support its genuineness or its date. It is written by 'कोऽपि' (an anonymous writer) and the spiteful tone, its incorrect form and the confused manner in which it has been drawn up leaves no doubt about the fact that it is a fabrication by the Thatte group. It becomes, therefore, evident that the Thatte group compiled the Kathā in the name of Keśava Paṇḍita (in one of the copy available at Saṅgameśwar, the author of the Kathā is even said to be "कोऽपि" as in the case of the 'Wārtā') then the Wārtā, and, further to give this story an authoritative credence, the forced letter of Śaṅkarāchārya. But the whole attempt failed by Śaṅkarāchāryā's boldly unfolding the secret mischief behind this subsequently.

This is no place to enter into the discussion of the caste-dispute. Whether Keśavapaṇḍita Purohit is identical with the author of "Parabhu-Kathā" is the main issue for discussion. The fact that the writing contains no information which can stand the contemporary or factual test is now abundantly clear from the evidence recorded though briefly. The original and reliable historical material is published and still more is available in manuscript form. This convinces an enquirer that the event of Āwajī's thread ceremony is incredibly distorted and the story built up by the Thatte group has no relationship to truth. Keśava Paṇḍita, whose details of life-history are now known to us, cannot be the author of this Kathā and Saṃbhājī, who was fully acquainted with the transactions of personal and public importance at the capital, can not have any hand in an action which is contrary to his own convictions and conduct.

92. Pp. 64–7, "Āṭhale Gharāṇyāchā Itihāsa", Prathama Khaṇḍa, Sādhana Vibhāga 1–2, by V. V. Āṭhale, Poona 1939.

MAHĀRĀṢTRA OF THE ŚIVAŚĀHĪ PERIOD

The seventeenth century was the very important period of great social, as well as political, upheaval in Mahārāṣtra. The policy adopted by the state is reflected in the actions of its officers, and the data so far recorded in regard to the life and doings of Keśavabhaṭa afford ample contemporary evidence to show how this upheaval was brought about. A review of the condition of the people of his times will, no doubt, prove interesting and thought provoking. A detailed discussion, with documentation, of this age of renaissance is, however, being reserved for my next publication "Coronation of Śivājī - Its Causes and Effects", in which Gāgābhaṭa's "Rājyābhiśekaprayoga" and the attempts of his opposition led by the Jāpakās are proposed to be critically examined from the points of view of history and mass-psychology, with special reference to the recognised significance attached to certain ceremonies by the followers of either section.

Political and Economical: Śivājī first gathered strength in the hilly country of the Māwals and had his independent power firmly established in a still more difficult part of the Konkan. It gradually expanded in the western and southern parts of the Bombay Province. The territory contained a few small towns but hardly a centre of trade or learning or a place of religious importance. The villages were very small and far between. The communication was difficult, and nature was chiefly relied upon for conveniences. In short, this part of the country was rather the abandoned or perhaps the most neglected tract of the Deccan. The only tie between the villagers and the Deccani Sultanats was the Deshmukh or Sardeshmukh, who enjoyed unrestricted and uncontrolled freedom. The masses in these tracts had thus no direct contact with the more advanced civil life of the capital towns or influence

of the centres of prosperity and learning. The territory acquired by Śivājī in the early part of his life was backward politically, difficult physically and very poor economically, though it was self-sufficient for the bare needs of livelihood. The masses never felt the power or the rule of the Sultāns.

The first quarter of the seventeenth century witnessed the downfall of the Nizāmśāhī Kingdom. Malik Ambar was perhaps the last astute statesman in the Deccani Sultanats. He did realise the danger in the ruinous policy then adopted by the Sultāns, and tried to place the Muslim rule in the Deccan in awe and respect. He was, however, followed by no Muslim officer able to pursue his policy and work. On the contrary, the narrow vision maintained by the Muslim neighbours compelled him to raise Hindus to power and office. This gave opportunity to Hindus to assert the balancing power they held. They supported the cause of Nizāmśāhī loyally, and though their attempts were unsuccessful, they were not deterred from their ambition for power. They struggled and exercised the power of balance. They duly perceived the inherent weakness of the foreign rule. Murār Jagdevrāo, Lukhji Jādhavrāo and Śāhājī forced the Sultāns to realise their importance and power by their defiance to one Sultān or the other or rather, more accurately, by playing off the Muslim powers against one another. Masses followed and believed their own leaders. The isolated Muslim officers, playing in the hands of their Hindu assistants, gradually slackened their hold over the masses. The Muslim rulers entertained the Muslim executive exclusively. A change in this attitude became inevitable. This change lessened the enmity and put off immediate danger to the Sultāns to some extent, but it broke the steel frame of the Muslim rule in the Deccan.

The conditions were further aggravated by the most devastating effects of the great famine of 1630-33, called "Durgādevīchā Duṣkāḷa". The Muslim officials withdrew to the capital towns leaving their charges to assistants. The Muslim contact with the masses was thus lost. The

Deshmukhs or Sardeshmukhs found it impossible to fulfil their usual annual obligations to the Sultāns. The heavy casualties and desertion of villages by the people in search of food and safety laid the country waste. As a consequence, the decade after the famine witnessed hundreds of disputes for restoration of ownership. In short, the second quarter of the century was thus a period of discontent and laxity in the control of the state. Loyalty to the Sultāns was much shaken, and without loyalty no foreign rule was ever secure. This was, therefore, an opportunity for Śivājī to consolidate his own power and strength by taking advantage of the very weaknesses and wants which caused the severence of the bonds between the rulers and the ruled.

Śivājī opened his career with a crusade against the Deshmukhi system, replacing it by a very sound and assuring land tenure settlement for the village agriculturists. This endeared him to the masses. The loss of the Deshmukhi rights was not, however, a pleasant sacrifice, but the Deshmukhs were not the less eager to be relieved of their obligations to the Sultāns. On the other hand, Śivājī entertained no personal envy or individual revenge against the Deshmukhs. He offered them offices under him according to their valour and merit, and provided them with better opportunities and prospects. This attracted most of them to the Hindavi Swarājya or "Mharhāstra-Dharma" as it was then understood socially.

Śivājī pursued vigorously the policy of rehabitation of the devastated areas with concessions and aids. It was, however, a slow process of persuasion and perseverence.

The Sultanats could afford to keep these tracts completely neglected, but to overlook the danger of the power gathering strength to challenge the very existence of the Sultāns would have been ruinous and fatal. On the other hand, for the security of the people and the produce, Śivājī devoted his particular attention and care to the building up of the internal defence and organisation of a loyal and faithful military. The defence, however, absorbed all the

wealth acquired by means of the daring incursions into the rich neighbouring trade centres and towns. If the Mahajars published are eloquent enough of the ruin and desertion of the people due to the famine, the Beheḍās of the time explain pretty clearly how the defence involved a large expenditure on repairs and rebuilding of the forts and walls to save the country from the enemy's wrath.

The civil administration demanded an immediate change both in the tone and in the procedure. The medium of official correspondence was practically the localised Persian with either Modi or Persian script adopted for the convenience and ease of the Muslim officials. The regional language must replace it, but to introduce and give currency to the appropriate Marathi terms, which were lost through their disuse for centuries in the past, was by no means an easy task.

It is true that Muslims did not interfere in the form and procedure of the administration of the law and order in the country. The preferential treatment to Muslims and the mixed customs then current, however, exercised no less effect on the actual administration of the civil and criminal justice. The idiosyncrasies of the two great communities stimulated some differences in the application of the Canon Law, and these differences often interfered in the administration of the Common Law of the people. Śivājī's attempts to bring about a practical solution in order to systematize the procedure for trial and to regularise the punishment were not completely successful. The traditional mode of compilation of such codes restricted their scope to moral precepts and to the recording of ancient maxims at least so far as the criminal jurisprudence was concerned. The models in the Muslim Fatawāhs and the European "sets of rules" made no impression on the Hindu writers of Nīti-Dharma to move them to improve the practical utility of the codes or to adapt them so as to suit the then current notions about the crime and punishment.

The third quarter of the century was the period of action and reforms. It evidenced the remarkable cultural advance of the neglected and isolated masses of the Māwals and the

Konkan. Their contact with the life outside the hills encouraged them to action and created confidence in their achievements. To keep this confidence steady, it was necessary to allow no confideracies to be formed or the gains staked simply for prestige and honour. The last year of this quarter was perhaps the most important. It gave his "personal conquests" a final finish and converted them into a "public institution" accomplished and sanctified by religious sanction and popular support. The coronation made the people and the ambitious leaders to banish from their minds any idea of rival claims for superiority or leadership.

Śivājī took care to select and maintain the right type of machinery for his administration. Merit alone counted for service. Some interested but later writers affirm that Śivājī recognised hereditary rights to higher offices, but the contemporary evidence does not support this. His particular caution and ability were responsible for checking rivalries among his officers. No differential treatment or status was accorded to any department or office simply on the ground of utility or profit. The equity of treatment so maintained had the good effect of securing expert and undivided attention to the duties of the state; but to hold such an expert and able machinery under one's thumb requires a stern hand and firm discretion. Śivājī and Saṃbhājī could exercise this check effectively, but the weak person of Rājārām could not. The tone of the administration so built up was consequently deteriorated in the last decade of the century. The Mahārāṣṭra Rāj, as a state, thus temporarily succumbed though it continued in existence as a mere government of a few persons accidentally placed in charge of it.

In the last quarter of the century the family quarrels were growing stronger and stronger. Parties were being formed. The danger of becoming these party feuds fatal to the very existence of the Mahārāṣṭra Rāj was apparent. At the same time, the heaviest blow was delivered by Aurangzeb, but the Marāṭhā kingdom withstood all the odds against it The leadership of Saṃbhājī was stern, strong and sound. His unfortunate capture, however, left the kingdom in chaos and the leadership passed into the hands of Pralhād Nirājī

— an unsound, unreliable and non-military person. A strong military talent was a necessity. Rāmachandrapanta and Śaṅkarājī asserted some strategy and statesmanship played by the Mahrāṭṭās previously, but the youngsters on whose help they had to rely, though valourous and adventurous, were lacking in experience in politics and leadership. This caused a serious set back for a short period. The kingdom was, however, well founded and elastic enough not to suffer a complete break down especially at the hands of outsiders. At the close of the century, the Mahārāṣṭra Rāj, as a seat of national independence, existed with perhaps a stronger force and unity, but the Rāj, as a state, crumbled.

Śivājī, in spite of his occupation in his incessant struggles for political supremacy and expansion, gave considerable time and energy to internal reforms. He encouraged literature on subjects of direct public utility. Paramānanda's "Śivabhārata", Jayarāma's "Parṇālaparwatā-grahaṇākhyāna" and others mentioned, but yet to be discovered, are the instances of the works designed to impress upon and to create confidence in the public in his achievements and power. "Rājyavyavahārakośa" by Raghunāth Haṇamante, the detailed "Jābatās" issued by Śivājī and the then recorded copies of "Mestakās" afforded facilities and ease in the use of the medium of the regional language for correspondence and administration. Aṇṇājī Datto's land tenure settlement was popular even until the end of the Peśavāī period. Almost all the forts in the Sahyādrī range played the most important role in the establishment of the Marāṭhā Rājya, and the organisation of defence, the selection of the personnel and the practical skill and strength, with which the bulwarks were repaired, had always a tale to tell with pride and honour. In brief, personal attention and care bestowed by Śivājī upon the most neglected parts of the country achieved the aim of making this tract a stronghold of the Marāṭhā Rāj both politically and economically.

Social and religious : Perhaps it was the last exodus of Āryans into the Deccan which constituted itself later into a Marāṭhī speaking Hindu community. In the midst of the Dravidian culture and influence, it struggled for

supremacy under the Yādava principality. The country over which the Mahrāttās, now known as a Scytho-Dravidian race, were scattered was, however, very limited in extent. Allā-ud'din Khilji (1310–16 A. D.) plundered the Yādava capital of Deogiri (Daulatābād), and his general, Malik Kāfur, with his formidable armies, made devastating incursions into the distant parts of the Deccan and Konkan driving the Mahrāttās westward. The subsequent Muslim kings pushed them further still, forcing them to take shelter in the hills of Sahyādrī and the jungles of the Konkan. The later Nizāmśāhī and some Ādilśāhī kings showed some tolerance to the faith, if not to the symbols of the Hindu religion. Thus encouraged to seek their safety under the Sultanats, the Mahrāttās concentrated themselves round about Poona, Karad and Ahmednagar. The Māwals and Konkan, however, remained their chief abode. The religious persecution of Malik Kāfur laid the temples and seats of Hindu learning and literature into complete ruin. The later Deccani Sultāns also discouraged, if not directly forbidden, open performance of their religious rites. The Mahrāttās living in the distant impregnable hills enjoyed freedom of action to some extent; but the surrounding influence of Dravidian and aboriginal tribes was very great indeed. The rise of the Muslim power in the north had practically cut off Mahrāttās from the main body of the Āryan society and its influence. This isolation impaired their religious solidarity and corrupted their culture. Their subjugation to dependence and reduction to penury practically made any effort impossible to polish their customs and manners, to errect new temples of worship or to establish authoritative seats of learning and literature. On the contrary, the local crude element continued to affect their religious beliefs and to deteriorate their modes of life and social practices. Thus, until the ascendancy of Murār Jagadevrāo and Śāhājī to power, Mahrāttās could exercise no freedom in the conduct of their religious and social life.

The Hinduism practised by Mahrāttās had imbibed the teachings of Śaṅkarāchārya, but he exercised no jurisdiction over the Mahrāttā country and people till the end of the

seventeenth century. The later Brahminism permitted several native races to enter into the fold of Hinduism; but the orthodox Brahmins showed every possible reluctance to allow the Śūdra or even the other Dwija castes any social intercourse with themselves or to share in their religious convictions and ceremonial practices. On the contrary, they shut them from any participation in their higher aims. Instead of raising the standard of spiritual life of the non-Brahmin masses for the general uplift of the Hindu society as a whole and for the advancement of the Hindu culture in particular, the orthodox Brahmins deliberately threw all kinds of artificial barriers in their way. They used all means to force the non-Brahmin castes and tribes to give up imitating their customs and manners or to adopt such practices and modes of worship as would elevate the ignorant masses or communities to higher intellectual culture and religious sentiment with a view to procure social equality. This illiberal policy was the result mainly of their lack of confidence in their own conduct of life and the fear of their being contaminated with abnoxious practices of the servile race. This self-imposed segregation obliged the orthodox Brahminism to wink at, or ignore, all manner of gross superstitions and repulsive practices, along with the popular worship of countless gods, goddesses, hosts of godlings demons, spirits and ghosts, and mystic objects and symbols of every description being made a part of Hindu worship and ideal of their religious creed. Almost the whole mass of the Hindu society, save the very small minority of the orthodox Brahmins, though nominally acknowledged the spiritual guidance of Brahminism, were practically given over to the worship of their nondescript grāma-devatās usually attended by animal sacrifices and crude types of invocation. New deities were being brought into existence. A dream at night would justify converting anything into an object of local adoration or superstitious awe and propitiatory rites to multitudes of people. So any uncommon event would be apt to be set down as a special manifestation of divine power; and any man or woman—whether a Hindu, a non-Āryan, a Farangi or a Muslim—credited with exceptional

merit or achievement, or even remarkable for some strange incident connected with his conduct of life or with the occurrence of his death, might ultimately be regarded as a true incarnation of the deity. The transmigration theory, according to which the spirit of the departed is believed to hover about in quest of a new corporeal abode, supported the conception of the superstitious notions of this kind. In Brahminism, Śiva, Viṣṇu and other gods of the Hindu Pantheon were degnified beings. No direct worship of many of them in public temples, except by Brahmins or Guravas or through their offices, was permitted even to other Dvija castes. The differential treatment each individual caste had to suffer in the matter of the mantrās used, the modes of worship adopted and the unreal communion allowed, could not but excite indignation and contempt. On the other hand, the village deities afforded ready help in trouble and appeared to be intimately concerned with the happiness and prosperity of the villagers. The devotee, irrespective of his caste or sex, could offer his worship in person, his prayer in his own words and speech, his sacrifice in any kind—animal, cooked food, fruit, corn or cereals—,and observe no very rigid formality. The medium, through whom any help was sought, had no differential treatment to accord. The medium might belong to any sex and even to the outcaste section of the Hindu society. No special social status is attached to him by his profession. Naturally the freedom enjoyed and the immediate fulfilment of the objective hoped for, led the mass to non-Hindu practices. The suicidal policy of the Brahmin hierarchy was thus largely responsible for diverting the majority of those professing Hinduism to non-Āryan element of worship and philosophy. This policy was, no doubt, in contrast with the marked adaptability of the Vedic Āryan race and particularly of the succeeding generations which withstood the heavy blows of Buddhists and Jains. This disintegration of the Hindu society was not without its baneful effects.

The main defect which led to this catastrophe was the denial of union with God. What it did make impossible for a non-Brahmin was to attain that union immediately on the cessation of his present life. He would first have to pass

through higher and purer stages of mundane existence before reaching the final salavation. This obstacle in his way required to be removed and equality ensured at least in the domain of the Supreme Being. Equally important was the necessity to put a stop to the wholesale license enjoyed in the adoption of the pre-Āryan type of religion and practices The saner and liberal element of the Hindu fold was not short of the occasion. Different cults to meet the contingency were introduced and developed. Rāmānuja by his devotion to Rāma demonstrated to his large followers that any person can attain again conscious union with Him only through devotion and love. The Bhakti cult thus came into existence. Rāmānanda's teaching made a further advance. It was designed for mass development and was of distinctly levelling and popular character. So the Bhaktamālā and other writings of his pantha or sect were composed, not in Sanskrit, but in the popular dialects. Chaitanya made a very considerable contribution to popularise this movement by his own attainments and example. A freer scope was thus allowed to the emotional and erotic elements in the forms of worship in these creeds. The use of vernacular dialects in prayers and hymns of praise was given an important place in the religious service. Music, dancing, singing parties, theatricals—in short anything calculated to produce the desired effect of the Bhakti cult was employed. Nāmdeo, Dnyāneśwar and Ekanāth helped developing this cult in Mahārāṣṭra too. Kabīr paid his quota in throwing this cult open to Muslims also. The Mahārāṣṭrian saints, however, led the movement to considerable success and effect. In the early seventeenth century, Tukārām was the foremost in making the vārakarī pantha or sect very popular both by his preachings and by the example of his own life. It is unnecessary to go into the details of the Mahānubhāva, Traimūrti (Datta) and other cults. All these efforts distinctly aimed at: (a) attaining communion with God by devotion and love, (b) removing the intermediary agency for worship or for self-purification, (c) relieving devotees from the cumbersome procedure and rigidity of the māntric and tāntric formalities, (d) impressing the votaries

of the fruitlessness of sacrifices, (e) curbing the tendency towards worship solely with a view to selfish gain or personal revenge, (f) securing social and religious equality, and (g) promoting mass-prayers. These are the chief lines on which a reformation was attempted. It, however, tempted the devotees to inaction and worldly renunciation, thus creating indifference to the duties and obligations to the Hindu society and religion for the effective maintenance of its order. These sects drew away a large part of the advanced Hindu society, especially from the Dwija castes, out of the pale of the influence of the Brahminism of Śaṅkarāchārya.

In the original formation of non-tribal castes, occupation was an important deciding factor, but the exigencies of life did not allow this longer. Brahmins had to accept such professions as were not compatible with their own caste. Many remained in Muslim service much to the detriment of their own wishes and convictions. The cardinal principle on which the system of caste thus remained in existence was only the preservation of purity of descent. The peculiar religious beliefs and ceremonial usages became characteristic of each caste. The political and social influences of the non-Āryan surroundings had no small effect on these usages. Every caste, from the highest to the lowest, however, took the jealous pride in its own peculiar occupation and sphere of life. Thus, though the various sub-castes of Brahmins, Śyeṇavīs, Kāyasthas, Daivadnyās, Marāṭhās, Kuṇbīs, Mahārs, etc. were taking particular pride in their own calling, they inherited very little of the practices and beliefs of their anscestors. The Deśasthās, who were the leading community in the sixteenth and seventeenth centuries, formed a great majority, but their actual practices fell much short of the required standard of the religious sanctity or piety. Other castes, having no proper guidance from Brahmins, on whom they relied, soon suffered themselves to be brought to the level of the Śūdras. The aboriginal and other local tribes were slumped together under the designation of Śūdras, who were destined to serve the upper classes in all the various departments of manual labour; but in the early part of the seventeenth century, all castes, from Brāhmin to

Śūdra, could boast of no superiority over the Muslim conquerors or assert their manners and customs against the wishes of their masters. The castes were, therefore, reduced to name 'jāti' only, and the āchār and dharma were either extinguished or less practised.

No religion would find popularity or mass-following if it only restricted itself to higher philosophy or mystic symbolism, then however congenial this refined symbolism may be. It would not satisfy the religious wants of the common man little given to abstract conceptions. For adherence to any faith or religion of the mass, three instruments are, therefore, most essential: (a) institution—temples or other symbolic objects, (b) priest or ministrant to guide or to regulate the performances of the religious practices, and (c) periodical religious practices—saṃskārās, prayers, worships, observances, etc.[1] The Muslim persecution did not allow free scope to rebuild temples or to establish any seats of learning for the dessimination of religious knowledge or for the initiation of the young and enquiring mind in the practices of devotion, self-purification or immolation. A stray temple or two on hills were not likely to satisfy the need. The priesthood was vested in Jośīs or Jotiśīs. This order had lost all the support of the state and its traditional rights and privileges were either in dispute or dismissed. No effective guidance was, therefore, obtainable to all those, especially the non-Brahmin castes, who solely depended on them. In the absence of this technical help, it was practically impossible for them to perform the various saṃskārās and ceremonies and other devotional observances which should confirm the moral and spiritual impression on their mind so that their firm and blind adherence to the faith could be counted upon. In short, in the early part of the seventeenth century the Hindu community in Mahārāṣṭra was not only without the adequate facility of temples and technical guidance but also remained without undergoing the proper and usual saṃskārās according to the Hindu religion.[93]

93. Kavīndra Paramānanda writes: "नाहूयन्ते दिविषदो न हूयन्ते हुताशनाः। न वेदो अप्यधीयन्ते नाभ्यर्च्यन्ते द्विजातयः ॥ ४० ॥ न सत्राणि प्रवर्तन्ते तथैव च मखक्रियाः। न दानानि विधीयन्ते विहीयन्ते व्रतानि च ॥४१॥ खिद्यन्ते साधवस्सर्वे भिद्यन्ते धर्मसेतवः । म्लेंच्छ-

By tradition, Bhonsalās belonged to the Rajaput clan. The Upadhye family, later distinguished as the 'Paṇḍitarāo Rājopādhe' family, was the hereditary Purohit-Upādhyes of Bhonsalās. How long this connection can go back will depend upon the new historical evidence, if disclosed. The Bhonsalā branch of Mudhoḷ had, however, nobody of this family in its employ. The ancestors of the Bhonsalā families arrived in the Deccan before the middle of the fourteenth century[94]. Thus, the seven direct generations prior to Raghunātha Paṇḍitarāo given in the Paṇḍitarāo genealogy[95] as covering the long period of over 300 years is an improbability. It is also unlikely that the hereditary family priests would ever permit such a wholesale change in the religious practices of the Bhonsalā family as should humiliate it to a status considerably lower than what was enjoyed by it as Rajaputs in Udepur[96] No importance can, therefore, be appropriately

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धर्माः प्रवर्धन्ते हन्यन्ते धेनवोऽपि च ॥ ४२ ॥ सज्जना यान्ति विलयं व्रजान्ति क्षत्रियाः क्षयम् । प्रादुर्भूतमिदानीं मे यवनेभ्यो महद्भयम् ॥४३॥"—Adhyāya 5, p. 44, "Śivabhārata" [note 14]. In "Viśvaguṇādarśa-champū", written in the early part of the 17th century, we find: "कृशानुः— ...अधुना किल कलिमालिन्या-दीदृशी रीतिरेतद्देशवासिनामासीत् ॥ ४३ ॥ तथाहि—अपारैर्व्यापारैरहरिह · नयन्तोऽशनदशास्वथ स्नाताः संध्यां विदधति न जातु स्वसमये ॥ त्यजन्तः स्वां वृत्तिं द्विजकुलभवा ग्रामगणकी । भवन्तो हन्तामी कथमपि च जीवन्ति बहवः ॥ १३३ ॥ किंच— 'उपनयन–विवाहावुत्सवैक-प्रधानौ । कलिविभवत एषां कालभेदानभिज्ञौ ॥ विजहाति न कदाचिद्विदपाटैकयोग्ये । वयसि च यवनानीव चाभ्यासमेते ॥ १३४ ॥ अपिच-अज्ञानामविराम लौकिकवचोभाजाममीषां पुन–। मन्त्रोच्चारण एव पर्यवसितं मौनव्रतं कर्मसु ॥ ... ॥१३५॥ वेदव्यासः स इह दश यो वेद वेदाक्षराणि । श्लोकं त्वेकं परिपठाति यः स स्वयं जीव एव ॥ आपस्तम्बः स किल कलयत्सम्यगौपासनं यः । कष्टं शिष्टक्षतिकृति कलौ कार्यमृच्छन्ति विद्याः ॥ १३८ ॥ ..."— p. 84-7, Chapter 12, Mahārāṣṭravarṇanam, "Viśvaguṇādarśachampu" by Vyaṅkaṭadwari edited by B. G. Yogi, Bombay 1899.

94. Farmāns of 4th November 1352 and 22nd October 1471—pp. 1 and 16, Appendix, pp. 25 and 84, Introduction, "Mudhoḷa Saṃsthānachyā Ghorapaḍe Gharāṇyāchā Itihāsa" edited by Mr. D. V. Apte, Poona, 1934.

95. See Appendix I, p. 70.

96. Rājā Jayasiṅg in his letter of January 1666 to Jāfar Khān writes: "... —regardless of praise or blame by other people,—that if the Emperor sanctions it, I shall set on foot a proposal for a match with his family and settle the marriage of my son with his daughter,—though the pedigree and caste of Shiva are notoriously low

attached to this family as wielding any influence on the conduct of, and the tendencies exhibited by, Bhonsalās prior to 1600 A. D.. Bābājī Bhonsalā granted an acre and a quarter of a chāvar of land to the Ārvi branch of the family. His sons, Mālojī and Viṭhojī, as Sargurhos or Mokadams of the country, confirmed it. But this does not establish any close connection between these two families. The grant was, and had to be, continued by every succeeding Muslim or Hindu officer, which indicates that the nature of the grant was not personal but official. In no communication, the family is called Upādhye or Rājopādhye before 1630 A.D..[97] Prabhākarabhaṭa of this branch of the family attended Śahājī at Bangalore, and it is only probable that Śahājī's name and fame attracted him to his service. The later connection between these two families, however, yielded a great and continued influence on the religious and social policy of the Marāṭhā Kings.

Mālojī named his two sons after the well known Pīrs—Śāha and Śarīfa—of Ahmednagar. This is indicative of the religious bend of his mind. His devotion to Śiva after the sudden find of a treasure-trove may either be emotional or traditional, but his constructing a tank and repairing the old and renowned Yādavakālīna temple of Śiva at Śikhara-śiṅgāṇāpur does not lessen the significance of the hint for the valuable discovery coming from Goddess Bhavānī. In fact, both the brothers and their father were Mokadams or Sargurhos of the country round about, and Viṭhojī is mentioned as the Mokadam of Śikhara-śiṅgaṇāpur itself. Viṭhojī and his sons, though shared the find of Mālojī, exhibited no great zeal for Śiva worship.

Śāhājī had, however, developed a considerable and undivided devotion to Śiva. Mālojī's later actions and conduct

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and men like me do not eat food touched by his hand (not to speak of entering into a matrimonial connection with him), ..." — f. 139a, Haft Anjuman; p. 306, "R. G. Bhāṇḍārkar Commemoration Volume", B. O. R. Institute, Poona, 1917.

97. Bābājī's grant is dated 24th December 1597. This and subsequent letters have been published in "Rājawāḍe Khaṇḍa 15" under "Papers of Rājopādhye Family."

may have initiated him to it, but his association with Murār Jagadevarāo, a very great devotee of Śiva, must have left a very deep effect on his mind inclining him to the higher form of Hindu worship and refined mode of life. His contact with the learned Paṇḍitas at the Nizāmaśāhī capital and in the South was very great and manifold, and it is no wonder if Śāhājī and his wife Jijābāī had acquired the true conception of Hindu religion as understood and believed by the learned Brahmins. His succession to the Nāyakas in the Karṇāṭak was the best opportunity to inherit the Hindu procedure and practices of the courts, which were, no doubt, adopted to suit the higher form of worship and conduct of social life. Śāhājī's assertion in his letter of 1656 A. D.[98] that he belonged to the Rajaput clan (आपण रजपुत लोक) indirectly expresses how the inferiority complex was vexing his mind and reflects on his feelings about the deterioration in the conduct of life of his own kinsmen both socially and politically. Anyhow, the Tanjore line of the Bhonsalā family showed greater mind and energy for religious learning and literature. Jijābāī conveyed to her son Śivājī all the culture and conventions of Śāhājī's court. The officers, who accompanied Śivājī to Poona, did not, however, possess the same sentiments as were entertained by Śāhājī.

Śivājī inherited many of his social and religious beliefs and prejudices from his parents. He had given expression to his devotion to Sāṃbha and Aṃbā in several of his letters. His devotion to Goddess Bhavānī or Aṃbā was, however, undivided and absolute. His faith in Her guidance in all his early adventures was implicit. This guidance he got directly through his being possessed of the spirit of the Goddess. It is true Rāyareśvar was chosen to be the place for oaths of fidelity to Hindavī Swarājya, but this was due more to the reverence for the idol among the people from the country around[99].

98. Letter dated 1656 July, p. 209, "Shrī Sāmpradāyāchī Kāgadapatre", Vividha Viṣaya, Lekhāṇka no. 34, Rāmdās āṇi Rāmadāsi.

99. Jedhes of Kāri had their adherents sworn similarly in 1618 A. D.—Lekhana 336, Letter of Malik Aṃbar of 25th November 1618, "Śivacharitra Sāhitya Khaṇḍa 2" B.I.S. Maṇḍaḷa Svyamālāī, Poona.

In his early activities, he exhibited some aggressive spirit against the Muslim faith and pulled down certain mosques at Kalyāna and Bhivandi and imprisoned Mullās there[100]. This was, of course, prompted not through any destructive element in his policy, but as a retribution for causing disgrace to his father by deceit and imprisonment. He, however, soon discovered the futility of such a destructive element in his action against his foe.

Śirkes and Daḷvīs of Śriṅgārpur, Saṅgameśvar and Rājāpur enjoyed absolute freedom by their being placed in a particular situation of the country and natural defence. Many Brahmin families preserved their Brahminic culture in those hilly tracts. Śivājī captured these places in 1660-61. He thus came in contact with the learned Brahmins more closely. Raghunāthabhaṭa joined his service immediately after this. Some time later Gāgābhaṭa, who had arrived in 1663-4 in Mahārāṣṭra, made good impression on him. Paramānanda, Anantadev and others were also there and met Śivājī. A progressive and rational religious outlook was the natural outcome of all these acquaintances. A revival of the old Hindu religion and the raising of the social status of all the communities became his immediate objectives. To achieve these objectives, it was necessary (a) to reintroduce the old ancient practices, (b) to give encouragement to temples and saintly personalities, (c) to restore the Jośi or priestly institution, and (d) to appoint a learned Paṇḍit, who would command respect and awe and guide the Hindu community as a whole towards progressive culture and refinement.

Śivājī was successful in removing the obstacles in the way of Devarukhe and other Brahmins, and also in restoring their ancient rights and privileges of Ṣoḍaśasaṃskārās to all the other Dvija castes — Śyeṇavīs, Chāndraseniya Kāyasthās, Mārāṭhās, and so on. For all this, a reference to the

100. "अफजुल उवाच:...त्वया गृहीत्वा कल्याणं तथा भीमपुरीमपि । यवनानां महासिद्धिनिलयाः किल पातिताः ॥ ५२ ॥ निगृह्य यवनाचार्यानविचार्यात्मनो बलम् । प्रतिबध्नास्यविद्वानामध्वानमकुतोभयः ॥ ५४ ॥"—Adhyāya 18, "Śivabhārata" by Paramānanda [note 14].

Benares Brahmins was obligatory. No wholesale reformation was possible without the backing of the best intellect of the country and unless an effective and direct control over the executive is exercised by the state or the king. Śankarāchārya had no jurisdiction in Mahārāṣṭra, and Śivājī's own person was not competent to exercise this jurisdiction over the whole of the Hindu community. In Raghunāthapāṇḍita, however, he secured a very strong, firm and learned Brahmin to execute his authority. He made him Paṇḍitarāo in 1665 A. D.. Ragunāthapaṇḍita, in his own way, most successfully prosecuted Śivājī's religious and social policy. The opposition of a small minority of Brahmin officers and bhikṣukās at the capital made no effect whatever on the masses. Śivājī, on the other hand, could use no royal prerogatives. He won to his side the best intellect and a willing executive. With these two weapons, he not only defeated the opposition but subjected it to meek submission and service. No one could stand in argument the person of so eminent and recognised an authority as Gāgābhaṭa or Anantadeva. It was equally impossible to stop Jośīs from executing Śivājī's will preferring sacrifice of their vṛtti rights which were then newly restored to them. Śivājī treated liberally and with due honour and respect all saints, temples and creeds alike. All of them readily supported his cause.

By coronation, Śivājī not only maintained his own right to Dvijatwa and to the sceptre of the kingdom, but he became endowed with the competence and sanction to exercise the jurisdiction of a Hindu king in religious and social matters over all castes and creeds. Śivājī commenced issuing orders under his own seal and name [101].

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101. One of the most important letters of 28th January 1677 is reproduced below: [Seal of Śivājī] "स्वस्ति श्री राज्याभिषेक शके ३ नलनाम संवत्सरे माघ शुध ५ क्षत्रीये कुळावतंस श्री राजा शिवाजी छत्रपती स्वामी याणी समस्त ब्राह्मण वेदपाठी व ग्रहस्थान व क्षेत्रीय मंडळी तथा प्रभु ग्रहस्थान व वैश्य जाती व शूद्रादि लोकान तथा जमेदार व वतनदार व रयेत वगैरे सर्व जाती हिंदु महाराष्ट्रान तथा महालानि व देश व तालुके व प्रांतानिहाय वगैरे यांस आज्ञा केली ऐसिजे. हिंदु जातींत आनादि परंपरागत धर्मशास्त्राप्रमाणे धर्म चालत अले असता अलीकडे काही दिवसांत येवनी आमल जाहल्यामुळें काहीं जातीतील लोकास बलात्कारे धरून

The coronation, however, brought in another unexpected influence. The pure vedic prayers hinted at no harm for either omission or commission in any performance. The tāntricism, however, introduced in the vedic worship all kinds of threats of divine infliction for whatever mistakes committed in the vidhis. Counter performances were devised to avert the divine anger for such and other failures. Any calamity befallen immediately after a performance was construed as a divine infliction for some remissness either on the part of the devotee or the priest. God-fearing persons often showed greater weakness by their suspicion or anticipation of some trouble through their lack of confidence in the perfect conduct of the performance. Even in the vidhi itself, at every stage, the person is made conscious of such omissions by the priest in imploring mercy for them. The whole system of the Hindu-worship was influenced by the tāntric ceremonies. Śaṅkarāchārya was perhaps the great supporter of this cult. The cult developed particularly in the seventeenth century and by the end of the first quarter of the eighteenth century

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भ्रष्ट केले व कितेक जागीची दैवते जबरीने छिन्नभिन्न केली. हिंदु जातीत हाहाकार जाहाला. गाय ब्राह्मणसह धर्म उत्छद होण्याचा समय प्राप्त जाहाला. त्याजवरून श्री ईश्वरी कृपेने आमचे हाते श्रीसांबजीने यवन वगैरे दुष्टास शासन करऊन पराभवाते गेले व राहिले ते शत्रू पादाक्रात होतील. परंतु लिहिण्याचे कारण की या सरकारात राज्याभिषेकसमई क्षेत्रक्षेत्रादि क्षेत्रस्थ ब्राह्मण बहुत ग्रंथ अनादि सर्व जमा करून धर्मस्थापना जाहाली. त्यात श्रीकासी क्षेत्रस्थ सिष्ट ब्राह्मणात काहीं तट पडून हाली ग्रंथ पाहाता भटजी कडून तफावत जाहली आहे टरले त्याजवरून हल्ली पुन्हा शास्त्री पंडित व मुदसदी व कारकून यास आज्ञा होऊन ज्ञातिविवेक व स्कंद पुराणांतरगत श्याद्रीखंड अदी माहन ग्रंथी निरणय सर्व ज्ञातिविसी जाहले आहेत ते वगैरे सर्व ग्रंथानुमते व जसे ज्याचे धर्म अनादि चालत आले त्याप्रमाणें निरवेध चालावे अगर ज्या ज्या ज्ञातीस वेदकर्मांचा अधिकार असून येवनी जाहल्यामुळे आथवा ब्राह्मणानी काही द्वेषबुद्धीने शास्त्रानुरुप कर्मे न चालविता मलीन जाहली असतील ती त्या ज्ञातीचे मंडळींनी पुरी पाहून ज्याची त्याची नीट वहिवाट आचरणे. ज्या ज्ञातीत जशी परंपरा चालत आली त्याप्रो चालवावी. जो कोणी द्वेषबुद्धीने द्रव्येलोभास्तव ब्राह्मण शास्त्रविरहीत नवीन तंटे करून खलेल करील येविसी त्या ज्ञातीवाले यानी सरकारात अर्ज करावा. म्हणजे शास्त्राचेसमते व रूढीपरंपरा व ग्रंथ पाहून निरंतर निरमत्छरपणे धर्मस्थापना कोणाचा उज्रुर न धरीता परनिष्ट जेव्हाचे तेव्हाच त्वरीत बदोबस्त होइल. हली यवन उत्तर देशीहून येत आहे तरी सर्व ज्ञातीने एक दिल राहून करत मेहेनत करून सेवा करून शत्रू पराभवाते न्यावा यात कल्याण तुमचे सरकारचे ईश्वर करील. जाणेजे" [Closing seal]—pp. 154–55, "Grāmaṇyācha Sādyanta Itihāsa" by K. S. Thackarey, Bombay, 1919.

Bhāskarāchārya brought out the best literature on the subject. This, however, marks the climax of the tāntric cult.

Gāgābhaṭa performed the coronation ceremony with all the sacred and vedokta mantrās[102] and, according to his convictions and beliefs, the ceremony was perfect. Unfortunately, calamities preceded and followed the coronation. The tāntricists attributed them to certain omissions and commissions in the Rājyābhiśeka vidhi. Suddenly overwhelmed with severe and manifold calamities, Śivāji gave way and allowed himself to be treated against the divine anger. The jāpakās took advantage of this to undo the śāṣtric influence of Gāgā. They administered second coronation and it was immediately arranged for. In doing so, the jāpakās undid everything of the former ceremony, even the siṃhāsana, so ceremoniously and publicly installed, was dismantled and replaced by another of their making and pattern.[103] Thus the purely vedic conception of the dharma was considered to be too inadequate for his aims and achievements. The jāpakās actually initiated Śivājī to the tantra practices and mystic mantrās characteristic of their cult. The royal example was followed by the people. Thus the Devī cult came again into prominence. Śivājī's rapid progress brought him to the final stage of the tapas, and he was inspired to present his head in sacrifice to Śivaśakti (Śrīśail-mallikārjuna), and thus to seek rebirth and extraordinary power which that offering alone brings to the devotee. He was, however, persuaded to give up the hazardous attempt.[104]

Saṃbhājī followed the footsteps of his father with perhaps more zeal and vigour. His period was full of struggle and strife. Extraordinary power and great determination was the need of the day. The great enemy was at his doors and had practically surrounded his Rāj. It is no wonder if

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102. "Rājyābhiśeka-prayoga" by Gāgābhaṭa — a ms. in the Bikaner Mss. Library.

103. "Śri-Śivarājyābhiśeka-Kalpataru" by Nischalapuri [note 57].

104. This incident took place during Śivājī's incursion into the Karṇāṭak in 1677-8 at Śrī-śail-mallikārjuna, one of the twelve famous Jyotirliṅgās.—p. 89, "Sabhāsadi Bakhar", etc.

he loved to celebrate all the ceremonies of the Goddess to acquire the protection of the divine or "śakti" power. There was, however, no change in the religious policy and Moreśvar Paṇḍitarāo and others continued to do the work as before. Rājārām and the Kolhapur line were also under the jāpakā influence. The Satara line of Śivājī, however, escaped that influence. No one can, however, with justice mix this jāpakā cult with the Śākta mārga or cult, which later spread in the country.

Śivājī bestowed honours and positions on men of eminence and merit. The distinctions like the use of seals, pālkhī, chāmars, were introduced. The social status of the people was thus raised. Appropriate distinction based on merits helped the society to rise to ambition and action. Side by side, Tukārām's teaching was giving a good impetus to the lower class of the society to lift themselves to self-purification and to a higher social level. Rāmadās tried to remedy the defects in the wārkarī sāmpradāya by preparing men to action and duties to the community at large, but failed to make his sect popular. It grew with the limited sphere of higher castes. This limitation led to its early extinction. Śivājī fostered the Māruti or Hanumān worship of Rāmadās and withdrew a large part of the mass from its attraction to the lower type of grāma-devatās. At any rate, the Rāmadāsa's followers failed to impress on the mass the precious teachings in the "Dāsabodha".

The policy of reconversion was much stressed in Śivājī's period and greater still in Saṃbhājī's time. The need was great especially to combat the ill-effects created through the helplessness of the victims to regain their social standing among their own kith and kin and particularly through the advantages taken by the other bigots of their abandonment by the Hindu society. Later, this policy, however, assumed a political exigency and reconversions were rather ordered to the communities concerned rather than left optional to the will of either the Brahmins to purify or the communities to accept restoration. Śivājī was very particular, so also Saṃbhājī, in getting the European powers to treat and agree not to allow conversion by their

Missionaries of even the Hindu orphans. The Missionaries, however, did continue their sacred influence and religious respect among the masses in their own territory. Saṃbhājī retaliated all the affronts given by them, and revengefully destroyed all the respect they commanded in his campaign against the Portuguese. His conversion of churches into Devī temples and destruction of nunneries and monasteries definitely uprooted all the influence and awe of the Missionaries from the minds of the masses in the coastal parts of the Konkan.

Rājārām's actions were more clothed with charity and piety rather than political or religious zeal. The cheaply secured gifts and donations by the people from him, while at Jiñjī, often interfered with the actual administration of the Mahratta country under Rāmachandrapanta and Śaṅkarājī Nārāyaṇa. It was difficult to give practical effect to all such orders and royal commands.

There was a distinct growth in the religious and social literature. The seats of Hindu learning at Paithaṇa and Karāḍa were restored and religious disputes sent there for decision. "Karaṇakaustubha" was prepared to help Jośīs and Jyotiśīs in their daily calculations. "Govindabhaṭṭī" by Govindabhaṭa Khedkar, "Śyeṇavījātinirṇaya", "Kāyasthadharmapradīpa", "Kāyasthadharmadīpa" by Gāgābhaṭa, "Smṛtikaustubha" by Anantadeva, "Śūdrakamalākara" "Jātivivekasindhu" and others by Kamalākarabhaṭa were compiled specially at the instance of Śivājī to enable him to end the disputes then arisen. "Rājyābhiṣekaprayoga", "Samayanaya" and others by Gāgābhaṭa, "Śrīrājyābhiṣekakalpataru" by Nischalpuri determine the procedure and performance of the coronation ceremony. "Vyavahāranirṇaya", "Vratodyota", "Śivārkodaya", "Piṇḍapitruyajñyaprayoga", "Prayogasāra", etc. by Gāgābhaṭa, "Dharmakalpalatā" by Keśavapaṇḍita, "Budhabhūṣana" by Saṃbhāji and some others guide the social and religious conduct of life. The works like "Śivabhūṣana" by Bhūṣaṇakavi, "Śrīśaṃbhupratāpa" by Harikavi, "Rājāramacharitam" by Keśavapaṇḍita etc. describe the personal life of the Marāṭhā Kings. Many more Sanskrit works on miscellaneous subjects such as

"Bhojanakutuhala" by Raghūnāth Navahasta, were compiled under the Marāṭhā patronage. The Marāṭhī literature produced in the Śivasāhī period is perhaps the best of its kind.[105] The inspirational writings of Tukārām, Rāmadās and other saints and poets left a permanent stamp on the Marāṭhī literature of their graceful but simple style and richness of thought. Perhaps the seventeenth century was the period of stabilisation and refinement of the language.

In brief, within the short period of twenty-five years, Śivājī founded a kingdom, which his grandson Śāhū soon saw grown into a great empire. Śivājī educated the masses in the arts of administration and war. Śivājī, by awakening the masses to their rights and privileges, created a formidable power which protected them from foreign aggression and prevented their culture and religion from ruin. Śivājī was, thus to his country and people, a great reformer or rather liberator of the masses from the bonds of the orthodox and shortsighted Brahmin hierarchy, whose disastrous folly was drifting the Hindu religion and its true culture and philosophy to ruin and disgrace. It is true, the poor soil permitted no great advance in fine arts and grandeur; but Śivājī by his example infused the national spirit in the Mahrāttā people which contributed greatly to the advancement of their social and religious culture and also to the rapid and sound progress in their learning and literature. The great name of Śivājī has still the dynamic force to inflame patriotism among the masses and to awaken them to their right of Śvarājya — National Government.

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105. Pp. 44–73 Mahārāṣṭtrīyānche Kāvyaparīkṣaṇa athavā Mahārāṣṭrīya Vāṅgmayābhiruchīchyā Itihāsāntīla eka prakaraṇa, Vibhāga, pahilā, Britiśa-satte-pūrvīchā Kāla by Dr. Śrīdhar Vyaṅkaṭeśa Ketkar, Poona, 1928.



APPENDIX I

RAGHUNĀTHAPAṆḌITA PAṆḌITARĀO

Raghunāthabhaṭa Paṇḍitarāo is wrongly identified with either Raghunāthapanta Nārāyaṇ Haṇamante or Raghunāthabhaṭa bin Gaṇeśabhaṭa Nawahasta or Raghunāthapaṇḍita Jośīrāo Amātya. There is, therefore, much confusion in the later writings about these personalities. A brief sketch of the family history of Raghunāthabhaṭa Paṇḍitarāo may be opportune in this place.

The Paṇḍitarāo family traces its origin from (1) Mudgalāchāryabhaṭa, who was said to be the Purohita of Mahārāṇā of Udepur. He was Deśastha Brahmin by caste and belonged to Śākalya gotra, Aśwalāyana sūtra.[106] From the Vaṃśāvali[107] recorded by the family, the direct line of his descendants could be ascertained as: (2) Bhavānīśaṇkarabhaṭa — (3) Mudgalabhaṭa alias Puruṣottama Bāwā — (4) Rāmachandrabhaṭa — (5) Gadādharabhaṭa — (6) Govindabhaṭa — (7) Bābadevabhaṭa — (8) Raghunāthabhaṭa.

Jayarām Kavīśvar (Piṇḍe) in his "Rādhāmādhavavilāsachampu"[108] refers to one Raghunātha as: तद्नु चाऊरकरोपनामानः पंडितवरिष्ठाः रघुनाथभट्टाः स्पृ(द्द)ष्टतरमेवमुदीरयांचक्रुः I, but the manuscript of the same work in the Bikaner Mahārājā's Sanskrit Manuscripts Library gives the reading of the word चाऊरकर as नाऊरकर.[109] If this Raghunātha is identical with Raghunāthabhaṭa Paṇḍitarāo, either he himself or his father might have

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106. The name of the gotra has been confirmed by the present descendants of the family. Śākalya is elsewhere taken to be Śākha.

107. Pp. 1–13, "Nyāyaśāstrī Paṇḍitarāo Yāñche Bakharīchī Purawaṇī—Vaṃśāvali", Khaṇḍa Pahiḷā, Bhārata-varṣa edited by D. B. Parasnis and H. N. Apte, Poona.

108. P. 230, "Rādhāmādhavavilāsachampu" edited by V. K Rājawāḍe, Chitrashala Press, Poona, 1922.

109. Ms. no. 545 "Catalogue of Sanskrit Manuscripts in the H.H. the Mahārājā of Bikaner's Library" by Rājendralāl Mitra, Bikaner, 1880.

accompanied Śāhājī to the Karṇāṭak country. Later writers inform us that Raghunāthabhaṭa Paṇḍitarāo was at Tanjore before he joined Śivājī.[110]

Some[111] have suggested that "Chāurkar" should be read as "Chanjāurkar", but I see no propriety of Śāhājī's introducing him specifically as Chanjāurkar especially at an assembly held at the same place. The theory of omission of the prefix is hardly applicable in this case when the other copy does not support it. Karvīrakar Rājā Śivājī's (II) wife, Sau: Chimābāīsāheb, was from चाऊर. She was "the daughter of Rajaśrī Śinde Chāvarkar".[112] So Chāur cannot be a mistake as supposed. The branches of the Rājopādhye family were spread wherever Bhonsalās went and it does not seem probable that this branch had taken its abode on the Tanjore side before Śāhājī. The reading in the Bikāner copy inclines one to suspect if Nāur is not identical with Nevare, the idol of Gaṇapati at Gaṇapuḷe in the close neighbourhood of which is well-known. My first reason for this is that Raghunātha joined Śivājī exactly at the time when people from Neware etc. paid khaṇḍaṇī to Śivājī.[113] Moreśwar Paṇḍitarāo's devotion to Chintāmaṇi might be due to the influence of this deity.[114] But this point must be left open as a mere suggestion till some more evidence is available.

Raghunāthapaṇḍita joined Śivājī's service sometime after Śirke's flight and the sequence of the events narrated by Govinda Kavīndra suggests that Raghunāthapaṇḍita met Keśavabhaṭa sometime after that.[115] Being then in service,

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110. Pp. 1–22, "Nyāyaśāstrī Paṇḍitarāo Yāñchī Bakhar", Khaṇḍa Pahilā, Bhārata-varṣa [note 107].

111. Prof. Priyoḷkar in "Damayantī-ākhyān" and others.

112. P. 220, B. I. S. Maṇḍaḷa Ahawāl, Śake 1834, Part II, Book 4, B. I. S. Maṇḍaḷa, Poona, 1913.

113. Kavīndra Paramānand in his "Śiva-Bhārata", after the capture of Rājāpur by Śivājī, mentions: शठवल्ली समदलं हरचीरी च नैवरम् । नांधवाटं कुंतवाटं केळिवल्ली कशेळिका ॥ २४ ॥ प्रांशुर्धामनसं बिल्वबटं च क्षारपत्तनम् । अमून्यन्यान्यपि पुराण्यमुष्ये करमाहरम् ॥ २५ ॥ verses 24–5, Adhyāya 30, p. 307 [note 14].

114. Moreśwar Paṇḍitarāo's seal contains: "श्री चिंतामणी चरण शरण".

115. Vide note 36.

Raghunāthapaṇḍita was bound to be present at the assembly of 1664 held by Śivājī,[116] but whether he is to be identified with Raghunātha mentioned at the beginning as 'रघुनाथो बुधाधिपः' or with the Raghunātha named at the end as 'उपाध्यायो रघुनाथः' requires determination as and when some more definite cofirmatory evidence becomes available on the subject. I prefer his identity with the former because of the qualification attached and the precedence given to him over Paramānand and Prabhākarabhaṭa. One fact, however, emerges: it is that there was no Paṇḍitarāo appointed by Śivājī at the time of this assembly. Hence we have reason to believe that the Paṇḍitarāoship was created sometime thereafter.

There is practically very scanty evidence about the appointment and continuance of Raghunāthapaṇḍita to the office of Paṇḍitarāo. The only references available in somewhat contemporary records regarding the appointment of Raghunāthapaṇḍita are : " महाराजहि सुरत मारून माघारे आले. हे ऐकोन विजापुरास पळोन गेले. महाराज महाडास येऊन दाखल झाले. तेथे घोड्यांची पहाणी करून दत्ताजी पंतास फडणिशी सांगितली व नंतर नित्य नेम मनास आणोन धर्मन्याय चालावे असें चित्तांत आणोन ब्राह्मणांस वर्षासनें करून दिलीं. येविशी अधिकारी पाहिजे म्हणोन रघुनाथ भटास पंडिताई सांगितली. निराजीपंतास न्यायाधिशी दिली. वाराणशीपावेतो धर्मकीर्ति केली. क्षेत्रोक्षेत्रीं ब्राह्मणांची संस्था केली. देवस्थानास जागजागीं नंदादीप व नैवेद्य सरकारांतून करून दिले " –साने प्रत–कलम ४८. " Swayed by this idea he gratified a very good Brahmin named Raghunāth by giving the title of Paṇḍit Rāo. Another Brahmin Nilaji Pant, was created Nyāyādhīśa or Judge. To all the Konkani Brahmins regular grants for subsistance were made, and doles were sent to their homes. To the Brahmins of holy places (tirtha) like Benares, means of living according to their need was despatched. Lamps, flowers and other materials of puja were provided at the temples." —Sarkar copy.[117]

Sabhāsad, on the other hand, records : " ऐशियांत जयसिंग (यानें) पुरंधर, कोंढाणा या दोहों गडांचे दरम्यान येऊन मुकाम केला. आणि राजियाकडे जासूदपत्रें पाठविली ... राजियानीं वाचून हेजीब कोण पाठवावा ही तजवीज करून

116. Vide note 50.

117. Pp. 88–9, "Śivachhatrapatīchī 91 Kalamī Bakhar" [note 14].

विचार करितां रघुनाथ पंडित थोर संनिध होते त्यास पाठवावे. ' रजपुताजवळ प्रसंग पडला तर हे थोर शास्त्रज्ञ आहेत. रजपूतहि शास्त्र जाणतो. त्याशीं व याशीं गाठ बरी पडेल.' असा विचार करुन रघुनाथ पंडितास पंडितराव म्हणून किताब दिला. आणि त्यांचेबरोबर वस्त्रें अलंकार देऊन मिरजा राजियापाशीं पाठविलें."[118]

No documentary evidence of contemporary nature about Raghunāthapaṇḍita Paṇḍitarāo's activities, except the letters issued in the Kāyastha Prabhu Prakaraṇa, is available. The first of these letters issued by Raghunāthapaṇḍita Paṇḍitarāo is dated Śaka 1591, Saumyanāma Saṃvatsare Mārgaśīrṣa Śuddha 11, i.e. 23rd November 1669 A.D..[119] The second letter is dated Śake 1594, Paridhāvi Saṃvatsare Bhādrapada Śuddha 6 Ravivār, i. e. Sunday 18th August 1672. It is, however, clear from these letters that Raghunāthapaṇḍita Paṇḍitarāo [120] was actually in the office at least during the period of 1669 to 1672 A. D.

Govinda Kavīndra says that Raghunātha Paṇḍitarāo died of consumption. He complains of his high-handed treatment to Paṇḍitas and Śāstris. According to the sequence of events narrated by him, Raghunāthapaṇḍita's death occurred sometime before the coronation [121]. In fact, Sabhāsad, while describing the offices bestowed at the time of the first coronation, records: 'रावजी पण्डितराव होते त्यांचे पुत्रास रायजीराज,' but the correct reading in the Mahāḍ copy as noted by Mr. Sāne and in the copies I have compared at the British Museum, London, MacKenzie and the India Office Collections, London, is given as: 'रघुनाथ पंडितराव होते त्यांचे पुत्र दानध्यक्ष'. This is so given even in the Satara and Poona copies also. This confirms, therefore,

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118. P. 38, Kṛāṣṇjī Anant Sabhāsad virachit "Śiva Chhatrapatīche Charitra" edited by Kāśīnāth Nārāyana Sāne, (4th Edition) Kalyān, 1923. Also see p. 295, 'A chapter from the Life of Śivājī,' by Sir J. N. Sarkar [note 96]; p. 46, Marāṭhī Daftar, Rumāla pahilā, Śrīmant Mahārāj Bhonsle yānchī Bakhar edited by V. L. Bhāve, Thana, 1917.

119. Vide note 81.

120. P. 21, "Grāmaṇyāchā Sādyanta Itihāsa" by K.S. Thackercy Dadar, 1919.

121. Vide note 23.

that Raghunātha Paṇḍitarāo died before the coronation and his son Moreśwar Paṇḍita succeeded him in the office and was representing his office at the coronation. At any rate, Moreśwar Paṇḍita was in the office of Paṇḍitarāo on 9th October 1674 is abundantly clear from his letter issued on that day [122].

Moreśwar Paṇḍitarāo has issued several letters and many have been published. There is, therefore, no doubt about his continuance in the office till at least 16th March 1686 [123].

No letter of Paṇḍitarāo issued after 16th March 1686 has yet been discovered, but after the fall of Golcondah, the whole country was in a disturbed state. Moreśwar Paṇḍitarāo did not accompany Rājārām to Panhāḷā as he is not mentioned among those present there [124] in the "Rājārām-charitam". The omission of his name is a direct proof of his absence there. It seems he and his son remained at Rāyagaḍ with Yesūbāī and were taken prisoners to the Mogul camp. In fact, his son, Mudgalbābā, was there. He was deputed to Tārābāī to represent Śāhu's case and identity in 1706.

About the Paṇḍitarāī affairs, it is difficult to say what arrangements were continued. It, however, appears that Keśavabhaṭa represented his chief at Panhāḷā in the Nawarātra festival [125]. A letter issued from the office of Paṇḍitarāo on 12th May 1691 does not give the name of the officer [126]. At the same time, in the Dānapatra of Rājārām dated 21st April 1691, Śrīkarāchārya is not mentioned as Paṇḍitarāo [127].

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122. Letter dated Vadya Āświn Śake 1596 to Śridhar Jyotiśi by Moreśvar Paṇḍitarāo with his usual official seal–No.5, p. 73, Pariśiṣṭa AA, "Chitpāwanāñchī Sāmājika Mūḷa Pīṭhikā, Madhya and Sadyaḥsthiti" by V. K. Rājawāḍe, "Dwitīya Sammelan" Vṛtta, Śake 1836, B. I. S. Maṇḍaḷa Granathamālā, Pustaka 8ve, Poona, 1906.

123. Śuddhi-patra issued by Moreśwar Paṇḍitarāo [note 64]

124. Sargās 3, 4, 5 of "Rājārāmacharitam" [note 13].

125. Vide notes 65 and 66.

126. Lekhāṅka 8, p. 21, "Āṭhalye Gharāṇyāchā Itihāsa" [note 92].

127. No. 56, "Śrīkarāchāryās Mahārāja Yāṇī Delelen Dānapatra" p. 211, Prakaraṇa 5ve, "Sanads and Letters" by R. B. G. C. Wad and published by Rao Bahadur D.B. Parasnis and V. Mawaji, Poona, 1913.

The earliest letter of Śrīkarāchārya issued in his capacity as Paṇḍitarāo is that of 2nd October 1696[128]. It is also significant to note that in the Dānapatra to Śrīkarāchārya's family dated 6th May 1696[129] Śrīkarāchārya's son Hariharāchāryā is one of the five donees.. It seems, therefore, that by this time Śrīkarāchārya had assumed the charge of Paṇḍitarāo and hence he must have avoided including his own name in the Dānapatra. It is probable that Śrīkarāchārya was made Paṇḍitarāo after the death of Keśavapaṇḍita and presumably after Moreśvar Paṇḍitarāo's death. Śrīkarāchārya and his heirs enjoyed Paṇḍitarāoship at the Kolhāpur Darbār, while Śāhū on his return from the Mogul's camp, made Mudgalbābā, grandson of Raghunātha Paṇḍitarāo, his Paṇḍitarāo and continued the office in his family.

The family genealogy from Mudgalbābā continues to be: (10) Mudgalbābā [birth—1630 A. D., returned from the Mogul's camp—1705 A.D., died 9th April 1729]—(11) Achyutabābā alias Raghunātha Paṇḍita [wrote books, was removed from office and imprisoned in 1749 A.D., died—1759 A.D.]—(12) Rāmachandrarāo [birth—1757, became Paṇḍitorāo—1778, died 20th March 1795 A.D.]—(13) Raghunātharāo—[birth—1786, succeeded on 13th May 1795, died—8th April 1828]—(14) Rāmachandrarāo [succeeded on 2nd May 1828].[130] Mr. G. R. Rājopādhye's construction of the family genealogy is not consistent with the authorities quoted by him.

As regards the confusion of the name of Raghunātha Paṇḍitarāo with Raghunāthabhaṭa bin Ganeśabhaṭa Nawa-

128. No. 79, p. 128, From Śrīkarāchārya Paṇḍitarāo to Māhādjī Sāmarāja of Jāḷīv dated Rāj. Śake 23, Dhātānāma Saṃvatsare, Āswin Bahul Dwitiyā Bhṛguwāsare, Ch. 15 Rabilowal Suhur San Sabā Tisain Alaf-"Chāphaḷ-Upādhye", "Śrī Sāmpradāyāchī Kāgādapatre, Rāmdās and Rāmdāsi, Bhāg 9, Sar 1, Mani 9"; Dhulia, 1915.

129. No. 60 p. 217, Śrīkarāchāryās Mahārājānī Delelen Dānapatra [note 127].

130. Nyāyaśāstri Paṇḍitarāoāchī Bakhar and Vaṃśāvali [note 107] "शाहूमहाराज देशी आले पंडितराव पद रघुनाथराव यांचे नातवास दिले ते त्यांचे वंशात चालत आहे." "Amātya Bāwaḍekar yāñchī Kaifiyat, Bhārata varśa, [not 107], pp. 144–5, "16. Paṇḍitarāo, Kaifiyats and Yādis" by Rāo Bahādur G.C. Wād, edited by P.V. Māwaji and D.B. Parasnis, Poona 1908.

ıasta, not only that their gotrās are different but the fact that Moreśwar Paṇḍitarāya has issued a donation to Nawahasta for his worship etc. at Chāphaḷ is itself a sufficient proof to show that Nawahasta was never a Paṇḍitarāya.[131] The letter[132] which mentions Nawahast as Paṇḍitarāya is a copy and it is probable that, knowing Nawahasta's literary activities the term Paṇḍitarāya with the name of Raghunāthabhaṭa is either an improvement made by the copyist or the term used eulogically. No doubt, by this letter, the famous original letter[133] of Rāmadās, which has been exploited in various ways and opportunities, is proved to be written to Nawahasta and, now as Nawahasta was a pujārī at the Chāphaḷ temple and not Paṇḍitarāya, the letter was not meant for Paṇḍitarāo. Rāmadās had addressed it merely to his own desciple or servant.

Raghunāthapaṇḍita Jośīrāo Kalyāṇakar is not the same person as the Raghunāthabhaṭa Paṇḍitarāo as is clear from the two proclamations of Raghunātha Paṇḍitrāo relating to Jośīrāo's grāmaṇya against Chāndrasenīya Kāyasthās.

Raghunāthapanta Haṇamante was never on this side of Mahārāṣṭra till the time of coronation. By the time he came this side, Raghunātha Paṇḍitarāo was no more living and his son, Moreśwar, was Paṇḍitarāo, who continued in the office till after the death of Raghunāthapanta Haṇamante.

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131. "Śrī Śivājī Mahārājāñche Kulopādhyāya" by Mr. G. R. Rājopādhye, Śivāji Nibandhāvali, Part I, Śrī Śiva Charitra Karyālaya, Poona, 1930.

132. Letter without date from Viṭṭhal Gosāvi to Divākarabhaṭa Gosāvi, No. 52, pp. 90–3, Śrī Sāmpradāyāchi Kāgadapatre, [not 128].

133. Letter from Rāmadās to Raghunāthabhaṭa Gosāvi (without date) pp. 1–4, ibid. Also see pp. 163–8, "Dwitīya Sammelana Vṛtta" [note 122]; pp. 102–110, "Śrī Śivaśāhīchā Lekhanā-laṅkār" by A. B. Joshi and Aba Chandorkar, Poona 1934. This letter has been reproduced at several places with a view to show Rāmadās's connections with Śivājī's officials and his dominance over the administration of the Marāṭhā kings. This attempt naturally falls to the ground as soon as the letter of Moreśwar Paṇḍitarāo to Raghunāthabhaṭa Nawahasta published in the same volume is read side by side.

॥ श्री ॥

केशवपण्डितकृतम्

धर्मकल्पलतान्तर्गतनीतिमञ्जर्यां

दण्डनीतिप्रकरणम्[1]

श्रीगणेशाय नमः ॥

[अनुष्टुप]

प्रसन्नवदनं रामं निधाय हृदि केशवः ।
धर्मकल्पलतासिध्यै तनुते नीतिमञ्जरीम् ॥ १ ॥[2]

श्रीगणेशाय नमः ॥

[उपेन्द्रवज्रा]

जयत्यसौ शंभुमखी(ही)महेन्द्रः
प्रख्यातकीर्तिः प्रियधर्ममूर्तिः ।
दानेन यस्याखिलविप्रसार्थाः
शश्वत्कृताः (तास्ते) सुखिनो भवन्ति ॥ २ ॥
मन्वादिशास्त्राणि विचार्य सम्यक्
तथा निबन्धांश्च मिताक्षरादीन् ।
[सारं] समादाय ततश्च तेन
निबध्यतेऽस्मिन्खलु दण्डनीतिः ॥ ३ ॥

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1. The title of the old manuscript (old no. 536 and new no. 18787) is : 536 दण्डनीतिप्रकरणम् । दण्डनीतिव्यवहारमंजरी । श्री शामजी नायक पुंड्योपनाम्नां ग्रंथः पत्रसंख्या ३१ ॥; and at the end is recorded the date of this copy as : शके राज्याभिषेकीये दुंदुभसंवत्सरे लिहमिदं पुस्तकम् ॥

2. The verses have not been numbered in the Mss.

मनुः—

दुष्टस्य दण्डः सुजनस्य पूजा
न्यायेन कोशस्य च संप्रवृद्धिः।
अपक्षपातो विषयस्य रक्षा
पञ्चैव यज्ञाः कथिता नृपाणाम् ॥ ४ ॥

तेषां चाभिषेकादिगुणयुक्तानां प्रजापालनं परमो धर्मः। स च शिष्टपालनं दुष्टदण्डनं विना न संभवति। शिष्टदुष्टज्ञानं तु व्यवहारदर्शनं विना नेति तद्दर्शनमावश्यकम्। तदाह याज्ञवल्क्यः—

[अनुष्टुप]

व्यवहारान्नृपः पश्येद्विद्वद्भिर्ब्राह्मणैः सह।
धर्मशास्त्रानुसारेण क्रोधलोभविवर्जितः ॥ ५ ॥

अत्र धर्मशास्त्रानुसारेणेति वैतेन धर्मशास्त्रेणेत्यर्थः।

धर्मशास्त्रविरोधे तु युक्तियुक्तो विधिः स्मृतः ॥ ६ ॥
स्मृत्योर्विरोधे न्यायस्तु बलवान्व्यवहारतः ॥ ७ ॥

इति नारदोक्तेः। युक्तिर्न्यायः।

केवलं शास्त्रमाश्रित्य न कर्तव्यो हि निर्णयः।
युक्तिहीनविचारे हि धर्महानिः प्रजायते ॥ ८ ॥

चोरोऽचोरः साध्वसाधु जायते व्यवहारतः।
युक्तिं विना विचारेण माण्डव्यश्चोरतां गतः ॥ ९ ॥

असत्याः सत्यसंकाशाः सत्याश्चासत्य संनिभाः।
दृश्यन्ते भ्रान्तिजनकास्तस्माद्युक्त्या विचारयेत् ॥ १० ॥

इति बृहस्पति स्मरणात्[3]। कात्यायनोऽपि—

स तु सभ्यैः स्थिरैर्युक्तः प्राज्ञैर्मौलैर्द्विजोत्तमैः ॥ ११ ॥

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3. In the Yājnyavalkya and Nārada-Samhitā, verse 10 is said to be of Nārada with a reading—विविधा भावास्तमाद्युक्तं परीक्षणम् for भ्रांतिजनकास्तमाद्युक्त्या विचारयेत्।—Yājnyavalkya, verse 599, and Nārada-Vyavahāra, verse 62, p. 15.

राजा तु धार्मिकान्सभ्यान्नियुञ्ज्यात्सुपरीक्षितान् ।
व्यवहारधुरं वोढुं ये शक्ताः सद्गवा इव ॥ १२ ॥

इति नारदीयात् । [Page 1][4]

अनियुक्तो नियुक्तो वा धर्मज्ञो वक्तुमर्हति ।
दैवीं वाचं स वदति [यः] शास्त्रमुपजीवति ॥ १३ ॥

इति वसिष्ठोक्तेर्वचः ।

नानियुक्तेन वक्तव्यं व्यवहारेषु किंचन ।
नियुक्तेन तु वक्तव्यमपक्षपतितं वचः ॥ १४ ॥

इति नारदवाक्यस्य निवारणीयमित्यर्थः । पुरोहितस्य नियुक्तापेक्षया राज्ञो निवारणे अधिकः प्रत्यवायः । दण्डनीयोत्सर्गे राजैकरात्रमुपद्वा(ता)पे [वासे] त्रिरात्रं पुरोहितः । कृच्छ्रमदण्डनीयदण्डने । पुरोहितस्त्रिरात्रमेकरात्रं राज्ञेति वसिष्ठेन पुरोहितस्याधिकप्रायश्चित्तोक्तेः । कात्यायनः ।

कुलशीलवयोवृत्तवित्तवद्भिरमत्सरैः ।
वणिग्भिः स्यात्कतिपयैः कुलभूतैरधिष्ठितम् ॥ १५ ॥

इति सभ्यसभालक्षणादि विस्तरभयान्नेहोक्तम् । तच्च महानिबन्धेभ्योऽवसेयम् । अनादेयव्यवहारानाह याज्ञवल्क्यः —

मत्तोन्मत्तार्तव्यसनिबालभीतादियोजितः ।
असंबद्धकृतश्चैव व्यवहारो न सिध्यति ॥ १६ ॥

तथा —

पुरराष्ट्रविरुद्धश्च यश्च राज्ञा विवर्जितः ॥ १७ ॥

अनादेयो भवेद्वादो धर्मविद्भिरुदाहृतः ॥ १८ ॥

इति । प्रजापालनं च केभ्यः कार्यमित्याह याज्ञवल्क्यः —

चाटतस्करदुर्वृत्तमहासाहसिकादिभिः ॥ १९ ॥

अयुक्तिकेभ्यश्चोरेभ्यः परेभ्यो राजवल्लभात् ॥ २० ॥

पीड्यमानाः प्रजा रक्षेत्कायस्थैश्च विशेषतः ॥ २१ ॥

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4. These numbers show the end of the pages or folios of the manuscript copy.

अरक्षणे दोषमाह स एव—

अरक्षमाणाः कुर्वन्ति यत्किंचित्किल्बिषं प्रजाः ॥ २२ ॥

तस्मात्तु नृपतेरर्धं यस्माद्गृह्णात्यसौ करान् ।
ये राष्ट्राधिकृतास्तेषां चारैर्ज्ञात्वा विचेष्टितम् ॥ २३ ॥

साधून्सन्मानयेद्राजा विपरीतांश्च घातयेत् ॥ २४ ॥

तथा च। अपत्यध्य(राध्य)नुसारेण दण्डप्रणयनं कार्यम्। तदाह याज्ञवल्क्यः—

तदवाप्य नृपो दण्डं दुर्वृत्तेषु निपातयेत् ॥ २५ ॥

धर्मो हि दण्डरूपेण ब्रह्मणा निर्मितः पुरा ॥२६॥ [Page 1-a]

यथाशास्त्रं प्रयुक्तः सन्सदेवासुरमानुषम् ॥ २७ ॥

जगदानन्दयेत्सर्वमन्यथा तत्प्रकोपयेत् ॥ २८ ॥

सम्यक्तु दण्डनं राज्ञः स्वर्गकीर्तिजयावहम् ।
अपि भ्राता सुतोऽर्घ्यो वा श्वशुरो मातुलोऽपि वा ॥ २९ ॥

नादण्ड्यो नाम राज्ञोऽस्ति धर्माद्विचलितः स्वकात् ॥ ३० ॥

एतच्च मातापित्रादिव्यतिरेकेण। तथा च शङ्खः। अदण्ड्यौ मातापितरौ। स्नातकपुरोहितपरिव्राजकवानप्रस्थाः श्रुतिशीलशौचाचारवन्तस्ते हि धर्माधिकारिण इति। इदमपि धनदण्ड्याद्यभिप्रायेण यथाऽऽह बृहस्पतिः।

गुरून्पुरोहितामात्यान्वाग्दण्डेनैव दण्डयेत् ।
विवादिनो नरांश्चान्यान्दोषिणोऽर्थेन दण्डयेत् ॥ ३१ ॥

यो दण्ड्यान्दण्डयेद्राजा सम्यग्वध्यांश्च घातयेत् ॥ ३२ ॥

इष्टं स्यात्क्रतुभिस्तेन समाप्तवरदक्षिणैः ।
इति संचिन्त्य नृपतिः क्रतुतुल्यफलं पृथक् ॥ ३३ ॥

व्यवहारान्स्वयं पश्येत्सभ्यैः परिवृतोऽन्वहम् ॥ ३४ ॥

फलान्तरमाह याज्ञवल्क्यः [मनुः कात्यायनश्च]—

यत्र श्यामो लोहिताक्षो दण्डश्चरति निर्भयः ।
प्रजास्तत्र विवर्द्धन्ते नेता चेत्साधु पश्यति ॥ ३५ ॥

स प्राड्विवाकः सामात्यः स ब्राह्मणपुरोहितः ।
स सभ्यः प्रेक्षको राजा स्वर्गे तिष्ठति धर्मतः ॥ ३६ ॥

इति ।

कुलानि जातीः श्रेणिश्च गणान् जनपदानपि ॥ ३७ ॥

स्वधर्माच्चलितान् राजा विनीय स्थापयेत्पथि ॥ ३८ ॥

दण्डं दुर्वृत्तेषु पातयेदित्युक्तं स दण्डो द्विविधः । यथाऽऽह नारदः ।

शारीरश्चार्थदण्डश्च दण्डस्तु द्विविधः स्मृतः ॥ ३९ ॥

शारीरस्ताडनादिस्तु मरणान्तः प्रकीर्तितः ॥ ४० ॥

काकिण्यादिस्त्वर्थदण्डः सर्वस्वान्तः प्रकीर्तितः ॥ ४१ ॥

द्विविधोऽप्यपराधानुसारेणानेकधा भवति ।

शारीरो नवधा[5] प्रोक्तो ह्यर्थदण्डस्त्वनेकधा ॥ ४२ ॥

दश स्थानानि दण्डस्य मनुः स्वायंभुवोऽब्रवीत्॥४३॥[Page 2]

उपस्थमुदरं जिव्हा हस्तौ पादौ च पञ्चमम् ।
चक्षुर्नासा च कर्णौ च धनं देहस्तथैव च ॥ ४४ ॥

शारीरदण्डविषये अपवादमाह कात्यायनः —

सुवर्णशतमेकं तु वधार्हो दण्डमर्हति ।
अङ्गच्छेदे तदर्धं तु संदंशार्हस्तदर्धकम् ॥ ४५ ॥

इति । इदं ब्राह्मणविषयम् । ब्राह्मणभिन्नविषये तु ।

त्रिषु वर्णेषु यानि स्युरक्षतो ब्राह्मणो व्रजेत् ॥ ४६ ॥

नायं नियमः । बन्धनाङ्करणादीनामपि दर्शनात् ।

धनदानासहं बुद्ध्वा स्वाधीनं कर्म कारयेत् ।
अशक्तौ बन्धनागारं प्रवेश्यो ब्राह्मणादृते ॥ ४७ ॥

तदुक्तं विज्ञानेश्वरेण ब्राह्मणस्य पुनर्द्रव्यासत्त्वे कर्मवियोगादीनि । यथाऽऽह गौतमः कर्मयोजनविख्यापननिर्वासनाङ्ककरणादीन्यवृत्ताविति । नारदेनापि —

वधः सर्वस्वहरणं पुरान्निर्वासनाङ्कने ।
तदङ्गच्छेद इत्युक्तो दण्ड उत्तमसाहसे ॥ ४८ ॥

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5 The reading in the Nārada-Smriti is द्विविधः ।—Nārada, Chap. 18, verse 111, p. 191.

अविशेषेण सर्वेषामेष दण्डविधिः स्मृतः ।
वधादृते ब्राह्मणस्य न वधं ब्राह्मणोऽर्हति ॥ ४९ ॥

शिरसो मुण्डनं दण्डस्तस्य निर्वासनं पुरात् ।
ललाटे चाभिशस्ताङ्कः प्रयाणं गर्दभेन च ॥ ५० ॥

इति । व्यासोऽपि ।

वपनं द्रविणादानं स्थानान्निर्यापणं तथा ।
एष [वै] ब्रह्मबन्धूनां वधो नान्योऽस्ति दैहिकः ॥ ५१ ॥

अङ्कने व्यवस्था दर्शिता ।

गुरुतल्पे भगः कार्यः सुरापाने सुराध्वजः ।
स्तेये तु श्वपदं कार्यं ब्रह्महण्यशिराः पुमान् ॥ ५२ ॥

इति । अङ्कनं तु ब्राह्मणानां भल्लातकरसेन । इतरेषां तप्तलोहशलाकयेति वैजयन्तीकारः । यत्तु । चक्षुर्निरोधो ब्राह्मणस्येत्यापस्तम्बवचनम् । ब्राह्मणस्य पुरान्निर्वासनसमये वस्त्रादिना चक्षुर्निरोधः कर्तव्य इति तस्यार्थः । न चक्षुषोरुहरणं अक्षतो ब्राह्मणो व्रजेत् ।

न ब्राह्मणवधाद्भूयानधर्मो विद्यते भुवि ।
तस्मादस्य वधं राजा मनसाऽपि न चिन्तयेत् ॥ ५३ ॥

न शारीरो ब्राह्मणस्य दण्ड इत्यादि मनुगौतमादिवचनविरोधादित्यलं प्रसङ्गेन । दण्डभेदानाह । [Page 2-a]

धिग्दण्डस्त्वथ वाग्दण्डो धनदण्डो वधस्तथा ॥ ५४ ॥

योज्या व्यस्ताः समस्ता वाऽप्यपराधवशादिमे ॥ ५५ ॥

साशीतिः पणसाहस्रो दण्ड उत्तमसाहसः ॥ ५६ ॥

तदर्धं मध्यमः प्रोक्तस्तदर्धमधमः स्मृतः ॥ ५७ ॥

ज्ञात्वाऽपराधं देशं च कालं बलमथापि वा ।
वयः कर्म च वित्तं च दण्डं दण्ड्येषु पातयेत् ॥ ५८ ॥

व्यवहारविषयमाह ।

स्मृत्याचारव्यपेतेन मार्गेणाधर्षितः परैः ।
आवेदयति चेद्राज्ञे व्यवहारपदं हि तत् ॥ ५९ ॥

व्यवहारदर्शनप्रकारमाह मनुः ।

व्यवहारान्दिदृक्षुस्तु ब्राह्मणैः सह पार्थिवः ।
मन्त्रज्ञैर्मन्त्रिभिश्चैव विनीतः प्रविशेत्सभाम् ॥ ६० ॥

तत्राऽऽसीनः स्थितो वाऽपि पाणिमुद्यम्य दक्षिणम् ।
विनीतवेषाभरणः पश्येत्कार्याणि कार्यिणाम् ॥ ६१ ॥

प्रत्यहं देशदृष्टैश्च शास्त्रदृष्टैश्च हेतुभिः ।
अष्टादशसु मार्गेषु निबद्धानि पृथक् पृथक् ॥ ६२ ॥

धर्मासनमधिष्ठाय संवीताङ्गः समाहितः ।
प्रणम्य लोकपालेभ्यः कार्यदर्शनमारभेत् ॥ ६३ ॥

इति । स्थित इति पूज्यार्थिप्रत्यर्थिविषयम् । पाणिमुद्यम्येत्यभयप्रदर्शनार्थम् । बृहस्पतिरपि —

विप्रो धर्मद्रुमस्याऽऽदि स्कन्द(न्ध)शाखे महीपतिः ।
सचिवाः पत्रपुष्पाणि फलं न्यायेन पालनम् ॥ ६४ ॥

यशो वित्तं फलरसो भोगोऽत्र ग्रहपूजनम् ।
अजेयत्वं लोकपाङ्क्तिः स्वर्गे स्थानं च शाश्वतम् ॥ ६५ ॥

विदित्वैतान् न्यायरसान्समो भूत्वा विवादिनाम् ।
त्यक्त्वा लोभादिकं राजा धर्म्यं कुर्याद्विनिर्णयम् ॥ ६६ ॥

इति । व्यवहारदर्शने प्रत्यवायाभाव उक्तो मनुना ।

राजा भवत्यनेनास्तु मुच्यन्ते च सभासदः ।
एनो गच्छति कर्तारं निन्दार्हो यत्र तिष्ठति ॥ ६७ ॥

इति । सर्वमपि व्यवहारदर्शनं देशाचारानुरोधेन कर्तव्यमित्याह संवर्तः ।

[Page 3]

तस्माच्छास्त्रानुसारेण राजा कार्याणि साधयेत् ॥ ६८ ॥

मनुरपि —

जातिजानपदान्धर्मान् श्रेणिधर्मांस्तथैव च ।
समीक्ष्य कुलधर्मांश्च स्वधर्मं प्रतिपालयेत् ॥ ६९ ॥

[स्वधर्मं राजधर्मं व्यवहारदर्शनमित्यर्थः ।] कुलधर्मस्वरूपमाह कात्यायनः —

गोत्रस्थितिस्तु या येषां क्रमादायाति धर्मतः ।
कुलधर्मं तु तं प्राहुः पालयेत्तं तथैव च ॥ ७० ॥

बृहस्पतिः—

देशजातिकुलानां च ये धर्माः प्राक् प्रवर्तिताः ।
तथैव ते पालनीयाः प्रजा प्रक्षुभ्यतेऽन्यथा ॥ ७१ ॥

जनापरक्तिर्भवति व्यक्तं कोशश्च नश्यति ।
उद्वह्यते दाक्षिणात्यैर्मातुलस्य सुता द्विजैः ॥ ७२ ॥

मध्यदेशे कर्मकराः शिल्पिनश्च गवासि(शि)नः ।
मत्स्यादाश्च नराः सर्वे व्यभिचाररतास्त्रियः ॥ ७३ ॥

उत्तरे मद्यपा नार्यः स्पृश्या नृणां रजस्वलाः ।
स्ववंशजाताः प्रगृह्णन्ति भ्रातृभार्यामभर्तृकाम् ॥ ७४ ॥

अनेककर्मणा नैते प्रायाश्चित्तदमार्हकाः ॥ ७५ ॥

प्रायश्चित्तार्हा दण्डार्हाश्च न भवन्तीत्यर्थः । विशेषमाह व्यासः—

वणिक्शिल्पिप्रभृतिषु कृषिरङ्गोपजीविषु ।
अशक्यो निर्णयो ह्यन्यैस्तं तैरेव तु कारयेत् ॥ ७६ ॥

बृहस्पतिः—

कीनाशाः कारुकाः शिल्पिकुसीदश्रेणिनर्तकाः ।
लिङ्गिनस्तस्कराः कुर्युः स्वेन धर्मेण निर्णयम् ॥ ७७ ॥

कीनाशाः कर्षकाः । मनुः—

आश्रमेषु द्विजातीनां कार्ये विवदतां मिथः ।
न विब्रूयान्नृपो धर्मं चिकीर्षन्प्रियमात्मनः ॥ ७८ ॥

यथार्हमेतानभ्यर्च्य ब्राह्मणैः सह पार्थिवः । [Page 3-a]
सांत्वेन प्रशमय्यादौ स्वधर्मं प्रतिपालयेत् ॥ ७९ ॥

बृहस्पतिः—

तपस्विनां तु कार्याणि त्रिविधैरेव कारयेत् ।
उत्कृष्टजातिमू(शी)लानां गुर्वाचार्यतपस्विनाम् ॥ ८० ॥

अभियुक्ताश्च ये तत्र यन्निबन्धप्रजोजनाः (प्रयोजनाः) ।
तत्रत्य गुणदोषाणां त एव हि विचारकाः ॥ ८१ ॥

राज्ञः कार्यान्तरो सक्तत्वेन व्यवहारादर्शने याज्ञवल्क्यः—

अपश्यता कार्यवशाद्व्यवहारान्नृपेण तु ।
सभ्यैः सह नियोक्तव्यो ब्राह्मणः सर्वधर्मवित् ॥ ८२ ॥

तथा—

यदा स्वयं न कुर्यात्तु नृपतिः कार्यदर्शनम् ।
तथा नियुञ्ज्याद्विद्वांसं ब्राह्मणं कार्यदर्शने ॥ ८३ ॥

सोऽस्य कार्याणि संपश्येत्सभ्यैरेव त्रिभिर्वृतः ।
सभामेव प्रविश्याग्र्यामासीनः स्थित एव च ॥ ८४ ॥

इति मनूक्तेश्च । कात्यायनोऽपि—

यदा न कुर्यान्नृपतिः स्वयं कार्यविनिर्णयम् ।
तदा तत्र नियुञ्जीत ब्राह्मणं शास्त्रपारगम् ॥ ८५ ॥

दान्तं कुलीनं मध्यस्थमनुद्वेगकरं स्थिरम् ।
परत्रभीरुं धीमन्तं निर्लोभं क्रोधवर्जितम् ॥ ८६ ॥

मनुः— [Page 4]

यत्र विप्रो न विद्वान्स्यात्क्षत्रियं तत्र योजयेत् ।
वैश्यं वा धर्मशास्त्रज्ञं शूद्रं यत्नेन वर्जयेत् ॥ ८७ ॥

इति ।

जातिमात्रोपजीवी वा कामं स्याद्ब्राह्मणब्रुवः ।
धर्मप्रवक्ता नृपतेर्न तु शूद्रः कथंचन ॥ ८८ ॥

यत्र राज्ञस्तु कुरुते शूद्रो धर्मविवेचनम् ।
तस्य सीदति तद्राष्ट्रं पङ्के गौरिव पश्यतः ॥ ८९ ॥

इति व्यासोक्तेश्च । अत्र शूद्रस्य निषेधादनुलोमप्रतिलोमजानां सुतरां निषेधोऽवगन्तव्यः । अमात्यादिकार्येऽपि शूद्रादिनिषेध इति स्मृतिचन्द्रिकाकारः । अथ व्यवहारदर्शनकालमाह कात्यायनः—

सभास्थानेषु पूर्वाह्णे कार्याणां निर्णयं नृपः ।
कुर्याच्छास्त्रप्रणीतेन मार्गेणामित्रकर्शनः ॥ ९० ॥

स एव—

दिवसस्याष्टमं भागं मुक्त्वा भागत्रयं तु यत् ।
स कालो व्यवहाराणां शास्त्रदृष्टः परः स्मृतः ॥ ९१ ॥

इति । इति व्यवहारदर्शनप्रकारः ।

व्यवहारविषयमाह याज्ञवल्क्यः —

स्मृत्याचारव्यपेतेन मार्गेणाऽऽधर्षितः परैः।
आवेदयति चेद्राज्ञे व्यवहारपदं हि तत् ॥ ९२ ॥

तेन चाऽऽवेदिते सति सभापतिकृत्यमाह कात्यायनः —

काले कार्यार्थिनं पश्येत्प्रणतं पुरतः स्थितम्।
किं कार्यं का च ते पीडा मा भैषीर्ब्रूहि मानव ॥ ९३ ॥
केन कस्मिन्कथं कस्मात्पृच्छेदेवं सभां गतः ॥ ९४ ॥

स्वयमागतं पृच्छेदित्यनेन स्वयं कार्यं नोत्पादयेत्।

नोत्पादयेत्स्वयं कार्यं राजा नाप्यस्य पूरुषः।
न च प्रापितमन्येन ग्रसेता(द)र्थं कथंचन ॥ ९५ ॥

इति मनूक्तेः।

न तु राजा वशित्वेन धनलोभेन वा पुनः।
उत्पादयेत्तु कार्याणि नराणामविवादनम्(मविवादिनाम्)॥९६॥

इति नारदोक्तेश्च।

न रागेण न लोभेन न क्रोधेन ग्रसेन्नृपः।
परैरप्रापितानर्थान्न चापि स्वमनीषया ॥ ९७ ॥

इति पितामहोक्तेश्चेति। स्वस्य व्यवहारासामर्थ्ये प्रातिनिधिना व्यवहारो भवतीत्याह पितामहः —

पिता माता सुहृद्वाऽपि बन्धुः संबन्धिनोऽपि वा।
यदि कुर्युरुपस्थानं वादं तत्र प्रवर्तयेत् ॥ ९८ ॥ [Page 4–a]
यः कश्चित्कारयेत्किंचिन्नियोगाद्येन केनचित्।
तत्तेनैव कृतं ज्ञेयं अनिवर्त्यं हि तत्स्मृतम् ॥ ९९ ॥

कात्यायनोऽपि —

अर्थिना सन्नियुक्तो वा प्रत्यर्थिप्रहितोऽपि वा।
यो यस्यार्थे विवदते तयोर्जयपराजयौ ॥ १०० ॥

इति। अनियुक्तादेर्विवादकरणे दण्डमाह नारदः।

यो न भ्राता न च पिता न पुत्रो न नियोगकृत्।
परार्थवादी दण्ड्यः स्याद् व्यवहारेषु [अ]विब्रुवन् ॥१०१॥

अभियोगविशेषे प्रातीनिधिनिषेधः। कात्यायनस्मृतौ——

ब्रह्महत्या सुरापाने स्तेये गुर्वङ्गनागमे।
अन्येषु चाभिशापेषु प्रतिवादी न दीयते॥ १०२॥
मनुष्यमारणे स्तेये परदाराभिमर्शने।
अभक्ष्यभक्षणे चैव कन्याहरणदूषणे॥ १०३॥
पारुष्ये कूटकरणे नृपद्रोहे तथैव च।
प्रतिवादी न दाप्यः स्यात्कर्ता तु विवदेत्स्वयम्॥ १०४॥

अनिवेदितान्यपि च्छलादीनि राज्ञा लोभकसूचकादिद्वारा ज्ञातव्यानीत्याह। कात्यायनः——

छलानि चापराधांश्च पदानि नृपतेस्तदा।
स्वयमेतानि गृह्णीयान्नृपस्त्वावेदकैर्विना॥ १०५॥

छलान्याह स एव——

पथिभङ्गी पराक्षेपी प्राकारो परिलङ्घकः।
निपानस्य विनाशी च तथा चाऽऽयतनस्य च॥ १०६॥
परिखापूरकश्चैव राजच्छिद्रप्रकाशकः।
अन्तःपुरं वासगृहं भाण्डागारमहानसान्॥ १०७॥
प्रविशत्यनियुक्तो यो भोजनं च निरीक्षते।
विण्मूत्रश्लेष्मवान्तानां क्षेप्ता कामी नृपाग्रतः॥ १०८॥
पर्यङ्कासनबन्धी चाप्यग्रस्थाननिरोधकः।
राज्ञोऽतिरक्तवेषश्च निभृतः प्रविशेत्तु यः॥ १०९॥
यश्चापद्वारेण विशेद्वेलायां तथैव च।
शय्यासने पादुके च शयनासनरोहणे॥ ११०॥
राजन्यासन्नशयने यस्तिष्ठति समीपतः।
राज्ञो विद्विष्टसेवी चाप्यदत्तविहितासनः॥१११॥ (Page 5)
वस्त्राभरणयोश्चैव सुवर्णपरिधायकः।
स्वयं ग्राहेण ताम्बूलं गृहीत्वा भक्षयेत्तु यः॥ ११२॥
अनियुक्तप्रभाषी च नृपाक्रोशक एव च।
एकवासास्तथाऽभ्यक्तो मुक्तकेशोऽवगुण्ठितः॥ ११३॥
चित्रिताङ्गो विस्रग्वी च परिधानविधूनकः।
शिरःप्रच्छादकश्चैव कर्णनासाविशोधकः॥ ११४॥

छलान्येतानि पञ्चाशद्भवन्ति नृपसंनिधौ ॥ ११५ ॥

इति। अपराधानाह नारदः —

आज्ञालङ्घनकर्तारः स्त्रीवधो वर्णसंकरः।
परस्त्रीगमनं चौर्यं गर्भश्चैव पतिं विना ॥ ११६ ॥

वाक्पारुष्यमवाच्याय दण्डपारुष्यमेव च।
गर्भस्य पातनं चैते अपराधा दशैव तु ॥ ११७ ॥

पदान्याह पितामहः —

उत्कृत्ती सस्यघाती चाप्याग्निदश्च तथैव तु।
विध्वंसकः कुमार्याश्च निधानस्योपभोजकः ॥ ११८ ॥

सेतुकटकभेत्ता च क्षेत्रसंचस्कर(रक)स्तथा।
आरामच्छेदकश्चैव गरदश्च तथैव च ॥ ११९ ॥

राज्ञो द्रोहप्रकर्ता च तन्मुद्राभेदकस्तथा।
तन्मन्त्रस्य प्रभेत्ता च बद्धस्य च विमोचकः ॥ १२० ॥

भोगदण्डौ च गृह्णाति दानंविक्रयमेव च।
पटहाघोषणाच्छादी द्रव्यमस्वामिकं च यत् ॥ १२१ ॥

राजावलीढं द्रव्यं च यश्चैवाङ्गविनाशनः।
द्वाविंशतिपदान्याहुर्नृप ज्ञेयानि पण्डिताः ॥ १२२ ॥

इति। एवं पञ्चाशच्छलानि दशापराधान् द्वाविंशतिपदानि ऋणादानाद्यष्टादशपदान्यन्यानि च लोभकसूचकादिना ज्ञात्वा विचारयेत्।

शास्त्रेण निन्दितं सत्यं मुख्यो राज्ञा प्रचोदितः।
आवेदयति यः पूर्वं लोभकः स उदाहृतः ॥ १२३ ॥

नृपेणाविनियुक्तो यः परदोषान्ववेषणे।
नृपस्य सूचयेज्ज्ञात्वा सूचकः स उदाहृतः ॥ १२४ ॥

इति। आज्ञप्तो लोभकः अनाज्ञप्तः सूचक इति भेदः। तेषां व्यवहारपदानां सविस्तरं भेदा मिताक्षरादि [Page 5–a] महानिबन्धेषु ज्ञेयाः। तेषु केषुचित्पदेषु दण्डविवक्षया तावत्साहसभेदविषये दण्डोऽभिधीयते। साहसस्वरूपमाह मनुः —

सहसा क्रियते कर्म यत्किंचिद्बलदर्पितैः।
तत्साहसमिति प्रोक्तं सहो बलमिहोच्यते ॥ १२५ ॥

तस्याप्यनेकविधत्वमुक्तम्—

मनुष्यमारणं चौर्यं परदाराभिमर्शनम् ।
पारुष्यमुभयं चेति साहसं स्याच्चतुर्विधम् ॥ १२६ ॥

मनुष्यमारणं हिंसोपलक्षणम् ।

अथ हिंसायां दण्डः—

शस्त्रावपाते गर्भस्य पातने चोत्तमो दमः ॥ १२७ ॥

गर्भस्य दासीगर्भभिन्नस्य । तत्र दण्डो वक्ष्यते । ब्राह्मणगर्भे तु ।

हत्वा गर्भविज्ञातं ब्रह्महत्याव्रतं चरेत् ॥ १२८ ॥

इति याज्ञवल्क्योक्तेः । प्रायश्चित्तगौरवेण दण्डगौरवं द्रष्टव्यम् ।

विप्रदुष्टां स्त्रियं चैव पुरुषघ्नीमगर्भिणीम् ।
सेतुभेदकरीं चाप्सु शिलां बद्ध्वा प्रवेशयेत् ॥ १२९ ॥

विशेषेण प्रदुष्टा स्वगर्भपातिनीत्यर्थः । अगर्भिणी गर्भरहिता चेद्दण्ड्या । किं च—

विषाग्निदां पतिगुरुनिजापत्यप्रमापणीम् ।
विकर्णकरनासौष्ठीं कृत्वा गोभिः प्रमापयेत् ॥ १३० ॥

अगर्भिणीमित्यनुवर्तते । या च परवधार्थमन्नपानादिषु विषं ग्रामादिष्वग्निं च ददाति निजपतिगुर्वपत्यानि मारयति तां छिन्नकरनासौष्ठीं कृत्वा अदान्तैर्दुष्टबलीवर्दैर्मारयेत् । विष्णुः । गजाश्वोष्ट्रगोघाती त्वेककरपादः कार्यः । विमांसविक्रयी त्वेककरपादः कार्यः । ग्राम्यपशुघाती कार्षापणशतं दण्ड्यः । पशुस्वामिने च तन्मूल्यं दद्यात् । वैजयन्तीकारस्तु—पशुस्वामिने च तन्मूल्यं दद्यादित्यनेन मनुष्यमारणे मूल्यदानं नास्तीति गम्यते । ततश्च—

प्रमापणे प्राणभृतां दद्यात्तत्प्रतिरूपकम् ॥ १३१ ॥

इति प्राणभृच्छब्दः पशुपर एव । [Page 6] अरण्यपशुघाती पञ्चाशत्कार्षापणान् । पक्षिघाती मत्स्यघाती दश पणान् कीटोपघाती कार्षापणमिति । राजाज्ञां विनेति शेषः । कात्यायनोऽपि—

द्विपणो द्वादशपणो वधे तु मृगपक्षिणाम् ।
सर्पमार्जारनकुलश्च सूकरवधे नृणाम् ॥ १३२ ॥
गोकुमारीर्देवपशुवृक्षाणां वृषभं तथा ।
वाहयन्साहसं पूर्वं प्राप्नुयादुत्तमं वधे ॥ १३३ ॥

मनुरपि —

मनुष्यमारणे क्षिप्रं चौरवत्किल्बिषं भवेत् ।
प्राणभृत्सु महत्स्वर्धं गोगजोष्ट्रहयादिषु ॥ १३४ ॥

क्षुद्रकाणां पशूनां तु हिंसायां द्विगुणो [द्विशतो] दमः ।
पञ्चाशत्तु भवेद्दण्डः शुभेषु मृगपक्षिषु ॥ १३५ ॥

गर्दभाजादिकानां तु दण्डः स्यात्पञ्चमाषिकः ॥ १३६ ॥

उक्तस्य पशुघातदण्डस्य क्वचिदपवादमाह बृहस्पतिः —

नखिनां शृङ्गिणां चैव दंष्ट्रिणामाततायिनाम् ।
हस्त्यश्वानां तथाऽन्येषां वधे हन्ता न दोषभाक् ॥ १३७ ॥

नखिनो व्याघ्रादयः । शृङ्गिणो व्यतिरिक्ताश्वाजादयः । दंष्ट्रिणो वराहादयः । एतेषां हस्त्यश्वादीनां अन्येषां मेषमहिषादीनां चाऽऽततायिनाम् । आततमायान्तीत्याततायिनः । तेषां मारणाभिसंधिना धावतां वधे हन्तुर्न दोष इति । दोषाभावकीर्तनं च दण्डाभावार्थम् । आततायि गोब्राह्मणवधे अल्पप्रायश्चित्तस्योक्तत्वात् दण्डलाघवम् । गोब्राह्मणमारणे तु । मरणान्तप्रायश्चित्तमेव दण्ड इत्यग्रे वक्ष्यते ॥ ७ ॥ इति हिंसायां दण्डनिरूपणम् ॥ ७ ॥ ७ ॥

२. अथ चौर्यदण्डः ।

तत्स्वरूपमाह नारदः —

उपायैर्विविधैरेषां छलयित्वाऽपकर्षणम् ।
सुप्तमत्तप्रमत्तेभ्यः स्तेयमाहुर्मनीषिणः ॥ १३८ ॥

चौरं प्रदाप्यापहृतं घातयेद्विविधैर्वधैः ॥ १३९ ॥
अन्यायोपात्तवित्तत्वाद्धनमेषां मलात्मकम् ।

अतस्तान्घातयेद्राजा नार्थदण्डेन दण्डयेत् ॥ १४० ॥

[Page 6-a]

इदं च महापराधविषयम् । चोरभेदानाह बृहस्पतिः —

प्रकाशाश्चाप्रकाशाश्च तस्करा द्विविधाः स्मृताः ।
प्रज्ञासामर्थ्यमायाभिः प्रभिन्नास्ते सहस्रधा ॥ १४१ ॥

अत एव नारदः —

प्रकाशवञ्चकास्तत्र कूटमानतुलाश्रिताः ।
उत्कोचकाः सोपधिकाः वञ्चकाः पण्ययोषितः ॥ १४२ ॥

प्रतिरूपकराश्चैव मङ्गलादेशवृत्तयः ।
इत्येवमादयो ज्ञेयाः प्रकाशास्तस्करा भुवि ॥ १४३ ॥

अप्रकाशतस्करस्वरूपमाह व्यासः —

साधनाङ्गान्विता रात्रौ विचरन्त्यविभाषिताः ।
अविज्ञातनिवासाश्च ज्ञेयाः प्रच्छन्नतस्कराः ॥ १४४ ॥

उत्क्षेपकः संधिभेत्ता पान्थमुड्ग्रन्थिभेदकः ।
स्त्रीपुंगोश्वपशुस्तेयी चोरो नवविधः स्मृतः ॥ १४५ ॥

इति । चोरविषये दण्डमाह योगीश्वरः ।

सचिन्हं ब्राह्मणं कृत्वा स्वराष्ट्राद्विप्रवासयेत् ॥ १४६ ॥

बन्दिग्राहांस्तथा वाजिकुंजराणां च हारिणः ।
प्रसह्यघातिनश्चैव शूलमारोपयेन्नरान् ॥ १४७ ॥

अग्न्यगारायुधागारदेवतागारभेदकान् ।
हस्त्यश्वरथहन्तॄंश्च हन्यादेवाविचारयन् ॥ १४८ ॥

इति मनुस्मरणात् ।

उत्क्षेपकग्रन्थिभेदौ करसंदंशहीनकौ ।
कार्यौ द्वितीयापराधे करपादैकहीनकौ ॥ १४९ ॥

तथा च मनुः—

अङ्गुली ग्रन्थिभेदस्य छेदयेत्प्रथमे ग्रहे ।
द्वितीये हस्तचरणौ तृतीये वधमर्हति ॥ १५० ॥

अङ्गुली तर्जन्यङ्गुष्ठौ । नारदः—

प्रथमे ग्रन्थिभेदानामङ्गुल्यङ्गुष्ठयोर्वधः ॥ १५१ ॥

द्रव्याणामानन्त्यात्प्रतिद्रव्यं दण्डं वक्तुमशक्तेः सामान्येन दण्डकल्पनामाह ।

क्षुद्रमध्योत्तमद्रव्यहरणे सारतो दमः ।
देशकालवयः शक्ति संचिन्त्यं दण्डकर्मणि ॥ १५२ ॥

क्षुद्रादिस्वरूपमाह ।

मृद्भाण्डासनखट्वास्थिदारुचर्मतृणादि यत् ।
शमीधान्यं कृतान्नं च क्षुद्रद्रव्यमुदाहृतम् ॥ १५३ ॥

वासः कौशेयवर्जं च गोवर्जं पशवस्तथा ।
हिरण्यवर्जं लोहं च मध्यं व्रीहियवा अपि ॥ १५४ ॥

हिरण्यरत्नकौशेयस्त्रीपुंगोगजवाजिनः ।
देवब्राह्मणराज्ञां च द्रव्यं विज्ञेयमुत्तमम् ॥ १५५ ॥

साहसेषु य एवोक्तस्त्रिषु दण्डो मनीषिभिः ।
स एव दण्डः स्तेयेऽपि द्रव्येषु त्रिष्वनुक्रमात् ॥ १५६ ॥

मनुः । [Page 7]

धान्यं दशभ्यः कुम्भेभ्यो हरतोऽभ्यधिकं वधः ।
शेषेऽप्येकादशगुणं दाप्यस्तस्य च तद्धनम् ॥ १५७ ॥

विंशतिद्रोणः कुम्भः । हर्तुर्ह्रियमाणः स्वामिगुणापेक्षया सुभिक्षदुर्भिक्षकालापेक्षया वा ताडनाङ्गच्छेदवधस्वरूपा दण्डा योज्याः ।

सुवर्णरजतादीनामुत्तमानां च वाससाम् ।
रत्नानां चैव सर्वेषां शतादभ्यधिके वधः ॥ १५८ ॥

पञ्चाशतस्त्वभ्यधिके हस्तच्छेदनमिष्यते ।
शेषेष्वेकादशगुणं मूल्यादण्डं प्रकल्पयेत् ॥ १५९ ॥

शतमत्र माषाणामेव । मानवे स दण्डं प्राप्नुयान्माषमिति माषस्यैवोपक्रमात् ।

पुरुषाणां कुलीनानां नारीणाम् च विशेषतः ।
रत्नानां चैव सर्वेषां हरणे वधमर्हति ॥ १६० ॥

विष्णुरपि रत्नापहार्युत्तमसाहसम् । रत्नानां वज्रवैडूर्यादीनां बहुमूल्यानाम् । एकस्याप्यपहर्तुः उत्तमसाहसं दण्डः । इदं ब्राह्मणविषयम् । अन्येषां तु वध एव । शङ्खलिखितौ । राजपुत्रहरणे सहस्रं शारीरो वा दण्डः । तत्कुलीनेष्वर्धमिति । अकुलीनानां तु दण्डान्तरम् ।

पुरुषं हरतो दण्ड उक्त उत्तमसाहसः ।
स्त्र्यपराधे तु सर्वस्वं कन्यां तु हरतो वधः ॥ १६१ ॥
अलंकृतां हरेत्कन्यामुत्तमं त्वन्यथाऽधमम् ।
दण्डं दद्यात्सवर्णासु प्रातिलोम्ये वधः स्मृतः ॥ १६२ ॥

अलंकृतां विवाहाभिमुखीम् । आनुलोम्यापहारे —

सकामास्वनुलोमासु न दोषस्त्वन्यथा दमः ॥ १६३ ॥

व्यासोऽपि —

स्त्रीहर्ता लोहशयने दग्धव्यो वै कटाग्निना ।
नरहर्ता हस्तपादौ छित्वा स्थाप्यश्चतुष्पथे ॥ १६४ ॥

दासीहरणे दण्डमाह नारदः —

सर्वस्वं हरतो नारीं कन्यां तु हरतो वधः ॥ १६५ ॥
दासीं च हरतो मध्यः पादस्य च्छेदनं तथा ॥ १६६ ॥

इति । बृहस्पतिः —

गोहर्तुर्नासिकां छित्वा बद्ध्वाम्भसि निमज्जयेत् ॥ १६७ ॥

व्यासः — [Page 7-a]

पशुहर्तुस्त्वर्धपादं तीक्ष्णशस्त्रेण कर्तयेत् ॥ १६८ ॥

पान्थद्रव्यापहारे बृहस्पतिः —

तथा पान्थमुषो वृक्षे गले बद्ध्वाऽवलम्बयेत् ॥ १६९ ॥

इति ।

माषतो न्यूनमूल्यानां मूल्यात्पञ्चगुणो दमः ॥ १७० ॥
काष्ठभाण्डतृणादीनां मृन्मयानां तथैव च ॥ १७१ ॥
वेणुवैणवभाण्डानां तथा स्नाय्वस्थिचर्मणाम् ॥ १७२ ॥
शाकानामार्द्रमूलानां हरणे फलमूलयोः ॥ १७३ ॥
गोरसेक्षुविकाराणां तथा लवणतैलयोः ।
पक्वान्नानां कृतान्नानां मद्यानामामिषस्य च ॥ १७४ ॥
सर्वेषामल्पमूल्यानां मूल्यात्पञ्चगुणो दमः ॥ १७५ ॥

इति मनुरपि —

सूत्रकार्पासकिण्वानां गोधूमस्य गुडस्य च ।
दध्नः क्षीरस्य तक्रस्य पानीयस्य तृणस्य च ॥ १७६ ॥

वेणुवैणवभाण्डानां लवणानां तथैव च ।
मृन्मयानां च हरणे मृदो भस्मन एव च ॥ १७७ ॥

अजानां पक्षिणां चैव तैलस्य च घृतस्य च ।
मांसस्य मधुनश्चैव यच्चान्यत्पशुसंभवम् ॥ १७८ ॥

अन्येषां चैवमादीनां मद्यानामोदनस्य च ।
पक्वान्नानां च सर्वेषां तन्मूल्याद्द्विगुणो दमः ॥ १७९ ॥

इति । तदल्पविषयम् । विष्णुः अनुक्तद्रव्याणामपहर्ता मूल्यसमम् । यान्युत्तममध्यमाधमकोटिष्वनुक्तानि द्रव्याणि । तन्मूल्यसमं दण्ड्यः । तथा —

संधिं छित्वा तु ये चौर्यं रात्रौ कुर्वंति तस्कराः ।
तेषां छित्वा नृपो हस्तौ तीक्ष्णशूले निवेशयेत् ॥ १८० ॥

पथिकानामल्पापहारे न दण्डः । मनुः —

द्विजोऽध्वगः क्षीणवृत्तिर्द्वाविक्षू द्वे च मूलके ।
आददानः परक्षेत्रान्न दण्डं दातुमर्हति ॥ १८१ ॥

तथा —

चणकव्रीहिगोधूमयवानां मुद्गमाषयोः ।
अनिषिद्धैर्ग्रहीतव्यो मुष्टिरेकः पथिस्थितैः ॥ १८२ ॥

तथैव सप्तमे भक्ते भक्तानि षडनश्नता ।
अश्वस्तनविधानेन कर्तव्यं हीनकर्मणः ॥ १८३ ॥

यत्तु — [Page 8]

द्विजस्तृणैधः पुष्पाणि सर्वतः स्ववदाहरेत् ॥ १८४ ॥

इति योगीश्वरवचनं तद्गवाद्यर्थतृणादिविषयम् । गोऽग्न्यर्थं तृणमेधांसि वीरुद्वनस्पतीनां च पुष्पाणि स्ववदाहरेदिति फलानि चापरिवृत्तानामिति गौतमस्मरणात् । यत्पुनर्बार्हस्पत्यम् ।

तृणं वा यदि वा काष्ठं पुष्पं वा यदि वा फलम् ।
अनापृच्छन्हि गृह्णानो हस्तच्छेदनमर्हति ॥ १८५ ॥

इति । तद्ब्राह्मणस्वामिकापहर्तृद्विजव्यतिरिक्तविषयमनापद्विषयं वा । राजादिरक्षितविषयं वा । ब्राह्मणस्यापि बलाद्ब्राह्मणस्वामिकापहारविषयं वा । तथा च शङ्खलिखितौ । ब्राह्मणो ब्राह्मणस्य समिदाज्येध्माग्निकाष्ठतृणोलपपुष्पमूलफलान्यपहेरद्बलादविज्ञातो वा हस्तच्छेदनमवाप्नुयात् । कुशकरकाग्निहोत्रद्रव्याण्यपहरतः प्रत्यक्षतोऽङ्गुच्छेदः स्यादिति एतेन स्ववदाहरणस्य परिगृहीताविषयत्वे फलैधकुसुमस्तेयमधैर्यं च मलावहमिति विरोधो निरस्तः । गवाद्यार्थविषयत्वात्तस्येति निरवद्यम् । अचोरस्यापि चोरोपकारिणो दण्डमाह नारदः —

भक्तावकाशाग्न्युदकमन्त्रोपस्करणव्ययान् ।
दत्त्वा चौरस्य वा हन्तुर्जानतो दम उत्तमः ॥ १८६ ॥
शक्ताश्च ये उपेक्षन्ते तेऽपि तद्दोषभागिनः ॥ १८७ ॥
उत्क्रोशतां जनानां च ह्रियमाणे धने तथा ।
श्रुत्वा ये नाभिधावन्ति तेऽपि तद्दोषभागिनः ॥ १८८ ॥

तद्दण्डभागिन इत्यर्थः । [Page 8-a] सर्वं स्तेयदोषमाह । विष्णुः । स्तेनाः सर्वमपहृतं धानिकस्य दाप्यास्ततस्तेषामभिहितदण्डप्रयोग इति । स्वामिने अपहृतद्रव्यदापनानन्तरं यथोक्तदण्डानुष्ठानं कार्यम् ।

संसर्गचिन्हसंधैश्च विज्ञाता राजपूरुषैः ।
प्रदाप्यापहृतं दण्ड्या दमैः शास्त्रप्रचोदितैः ॥ १८९ ॥

इति । बार्हस्पत्यात् ।

चोरापहृतमानेतुमशक्तेन महीभृता ॥ १९० ॥

स्वकोशाद्धनिने धनं देयमिति विज्ञानेश्वरः । इति चौर्यप्रकरणं समाप्तम् ॥ छ ॥ छ ॥ श्री ॥

३ अथ स्त्रीसंग्रहणरूपे पारदार्ये दण्डः ।

तत्स्वरूपं व्यासेन विवृतम् ।

त्रिविधं तत्समाख्यातं प्रथमं [मध्यमोत्तमम् ॥
अदेशकालसंभाषा निर्जनेच परस्त्रियाः ।
कटाक्षावेक्षणं हास्यं प्रथमं] साहसं स्मृतम् ॥ १९१ ॥
प्रेषणं गन्धमाल्यानां धूपभूषणवाससाम् ।
प्रलोभनं चान्नपानैर्मध्यमं साहसं स्मृतम् ॥ १९२ ॥
सहासनं विविक्ते तु परस्परसमाश्रयः ।
केशाकेशिग्रहश्चैव सम्यक् संग्रहणं स्मृतम् ॥ १९३ ॥

बृहस्पतिरपि —

पापमूलं संग्रहणं त्रिप्रकारं निबोधत ।
बलोपाधिकृते द्वे तु तृतीयमनुरागजम् ॥ १९४ ॥
अनिच्छन्त्या यत्क्रियते मत्तोन्मत्तप्रमत्तया ।
प्रलपन्त्या वा रहसि बलात्कारकृतं तु तत् ॥ १९५ ॥
छद्मना गृहमानीय दत्त्वाऽस्यै मदकारणम् ।
संयोगः क्रियते यत्र तदुपाधिकृतं विदुः ॥ १९६ ॥
अन्योन्यचक्षूरागेण दूतीसंप्रेषणेन च ।
कृतं लोभार्थरूपेण (रूपार्थलोभेन) ज्ञेयं तदनुरागजम् ॥१९७॥
तत्पुनस्त्रिविधं ज्ञेयं प्रथमं मध्यमोत्तमम् ॥ १९८ ॥

अनुरागजमिति शेषः ।

अपाङ्गप्रेषणं हास्यं दूतीसंप्रेषणं तथा ।
स्पर्शो भूषणवस्त्राणां प्रथमः संग्रहः स्मृतः ॥१९९॥ [Page 9]
प्रेषणं गन्धमाल्यानां फलमद्यान्नवाससाम् ।
संभाषणं च रहसि मध्यमं संग्रहं विदुः ॥ २०० ॥
एकशय्यासनं क्रीडा चुम्बनालिङ्गनं तथा ।
एतत्संग्रहणं प्रोक्तमुत्तमं शास्त्रवेदिभिः ॥ २०१ ॥

इति । स्त्रीपुंसयोर्मिथुनीभावः संग्रहणम् । ज्ञानपूर्वकत्वात्तत्कर्तुर्दण्डविधानाय तज्ज्ञानोपायमाह —

पुमान्संग्रहणे ग्राह्यः केशाकेशि परस्त्रिया।
सद्यो वा कामजैश्चिन्हैः प्रतिपत्तौ द्वयोस्तथा ॥ २०२ ॥

परभार्यया सह केशाकेशिक्रीडनेनाभिनवैः कररुहक्रीडनदशनादिकृतव्रणैः रागकृतैर्लिङ्गैर्द्वयोः संप्रतिपत्त्या वा ज्ञात्वा संग्रहणे प्रवृत्तो ग्रहीतव्यः। किं च—

नीवीस्तनप्रावरणसक्थिकेशावमर्शनम्।
अदेशकालसंभाषं सहैकस्थानमेव च ॥ २०३ ॥

एतच्च शङ्क्यमानपुरुषविषयमितरस्य तु न दोषः। यथाऽऽह मनुः—

यस्त्वनक्षारितः पूर्वमभिभाषेत कारणात्।
न दोषं प्राप्नुयात्किंचिन्न हि तस्य व्यतिक्रमः ॥ २०४ ॥

इति। यः परस्त्रिया स्पृष्टः क्षमते असावपि ग्राह्यः। तेनैवोक्तम्।

स्त्रियं स्पृशेददेशे यः स्पृष्टो वा मर्षयेत्तथा।
परस्परस्यानुमते सर्वं संग्रहणं स्मृतम् ॥ २०५ ॥

यश्च मयेयमसकृद्भुक्तेति वदति सोऽपि ग्राह्यः।

दर्पाद्वा यदि वा मोहात् श्लाघया वा स्वयं वदेत्।
पूर्वं मयेयं भुक्तेति तच्च संग्रहणं स्मृतम् ॥ २०६ ॥

पित्रादिभिः परस्परसंभाषणनिषेधे कृते सति पुनः संलापादिकरणे दण्डमाह–

स्त्रीनिषेधे शतं दद्याद्विशतं तु दमं पुमान्।
प्रतिषेधे तयोर्दण्डो यथा संग्रहणे तथा ॥ २०७ ॥

एतच्चारणादिभार्याव्यतिरेकेण— [Page 9-a]

नैष चारणदारेषु विधिर्नात्मोपजीविषु।
सज्जयन्ति हि ते नारीं निगूढाश्चारयन्ति च ॥ २०८ ॥

इति मनुस्मरणात्। तमिदानीं संग्रहणे दण्डमाह—

सजातावुत्तमो दण्ड आनुलोम्ये तु मध्यमः।
प्रातिलोम्ये वधः पुंसो नार्याः कर्णादिकर्तनम् ॥ २०९ ॥

चतुर्णामपि वर्णानां बलात्कारेण सजातियगुप्तपरदारगमने उत्तमसाहसम्। आनुलोम्येन हीनवर्णा स्त्रियमगुप्तामभिगच्छति तदा मानवे विशेषः—

सहस्रं ब्राह्मणो दण्ड्यो गुप्तां विप्रां बलाद्व्रजन्।
शतानि पञ्च दण्ड्यः स्यादिच्छन्त्या सह संगतः ॥ २१० ॥
सहस्रं ब्राह्मणो दण्डं दाप्यो गुप्ते तु ते व्रजन्।
शूद्रायां क्षत्रियविशोः सहस्रं तु भवेद्दमः ॥ २११ ॥

साहसरूपस्त्रीसंग्रहणस्य ज्ञानोपायं तत्र दण्डं चाऽऽह संवर्तः —

नेच्छन्त्या यानि चिन्हानि बलात्कारकृतानि च ।
परपुंसः प्रसङ्गेषु नारीणां तानि सर्वतः ॥ २१२ ॥

नखदन्तक्षता क्षामा सकचग्रहविक्षता ।
सद्यो विश्वासिता नारी बलात्कारेण दूषिता ॥ २१३ ॥

उच्चैर्विक्रोशयन्ती च रुदन्ती लोकसन्निधौ ।
तस्य नाम्ना वदन्ती च यथाऽहं तेन दूषिता ॥ २१४ ॥

शोचेदेवं विधैर्लिङ्गैर्व्रणीकृतपयोधरा ।
चिन्हालंकारकेशैश्च व्याकुलीकृतलोचना ॥ २१५ ॥

राज्ञा सभ्यैः सभां नीत्वा स्वयमन्विष्य तत्क्षणात् ।
यद्ब्रूयात्सहजं तत्र तत्कर्तव्यं प्रयत्नतः ॥ २१६ ॥

विवादे साक्षिणामत्र प्रकुर्वीत परिग्रहम् ।
प्रार्थनादभिशस्तस्य न दण्डं दातुमर्हति ॥ २१७ ॥

इति । सा यद्ब्रूयाद्वधहस्तच्छेदादिकं स एव दण्ड इत्यर्थः । [Page 10]

सहसा कामयेद्यस्तु धनं तस्याखिलं हरेत् ।
उत्कृत्य लिङ्गवृषणौ भ्रामयेद्गर्दभेण तु ॥ २१८ ॥

इति । सहसा दर्पेण कामयेद्गच्छेत् । अयं च धनदण्डो न स्त्रीमात्रसाधारणः किं तु गुरुभार्यादिव्यतिरेकेण द्रष्टव्यः —

माता मातृष्वसा श्वश्रूर्मातुलानी पितृष्वसा ।
पितृव्यसखिशिष्यस्त्री भगिनी तत्सखी स्नुषा ॥ २१९ ॥

दुहिताचार्यभार्या च सगोत्रा शरणागता ।
राज्ञी प्रव्रजिता धात्री साध्वी वर्णोत्तमा च या ॥ २२० ॥

आसामन्यतमां गत्वा गुरुतल्पग उच्यते ।
शिश्नस्योत्कर्तनं दण्डो नान्यस्तत्र विधीयते ॥ २२१ ॥

इति नारदस्मरणात् । अयं च दण्डो न ब्राह्मणस्य —

परदाराभिमर्शेषु प्रवृत्तं तु महीपतिः ।
उद्वेजनकरैर्दण्डैश्चिह्नयित्वा प्रवासयेत् ॥ २२२ ॥

अब्राह्मणः संग्रहणे प्राणान्तं च वधमर्हतीति ब्राह्मणाधिकारे बृहस्पतिवचनात् । शङ्खलिखितौ । येन येनाङ्गेनापराधं कुर्यात्तत्तदस्य च्छेत्तव्यमन्यत्र ब्राह्मणात् । प्रातिलोम्येनोत्कृष्टवर्णस्त्रीगमने क्षत्रियादेर्वधः । वसिष्ठः । राजन्यश्चेद्ब्राह्मणीमभि-

गच्छेच्छरपत्रैर्वेष्टयित्वा राजन्यमग्नौ प्रास्येत्। एवं वैश्यो राजन्यां मैथुनमाचरच्छूद्रस्तु राजन्यवैश्ययोरिति। ब्राह्मण्यादीनां शूद्रादिगमने दण्डमाह यमः।

वृषलं सेवते या तु ब्राह्मणी मदमोहिता।
तां श्वभिः खादयेद्राजा संस्थाने वध्यघातिनाम् ॥ २२३ ॥
वैश्यं वा क्षत्रियं वाऽपि ब्राह्मणी सेवते तु या ॥
शिरसो मुण्डनं तस्याः प्रयाणं गर्दभेण तु ॥ २२४ ॥

बृहस्पतिः—

गृहमागत्य या नारी प्रलोभ्य स्पर्शनादिना। [Page 10–a]
कारयेत्तत्र सा दण्ड्या स तस्या हि दमः स्मृतः ॥ २२५ ॥
छिन्ननासोष्ठकर्णं तु पुरे भ्राम्याप्सु मज्जयेत् ॥ २२६ ॥

इति। एतत्तु गुप्ताविषयम्। अन्यत्र धनदण्डः।

ब्राह्मणीं यद्यगुप्तां तु सेवेतां वैश्यपार्थिवौ।
वैश्यं पञ्चशतं कुर्यात्क्षत्रियं तु सहस्रिणम् ॥ २२७ ॥

इति मानवात्।

उभावपि तु तावेव ब्राह्मण्या गुप्तयासह।
विप्लुतौ शूद्रवद्दण्ड्यौ दग्धव्यौ वा कटाग्निना ॥ २२८ ॥

शूद्रस्य तु पुनरगुप्तामुत्कृष्टवर्णां व्रजतो लिङ्गच्छेदसर्वस्वापहरौ गुप्तां तु वव्रतो वधसर्वस्वापहाराविति तेनैवोक्तम्।

शूद्रो गुप्तमगुप्तं वा द्वैजातं वर्णमाविशन्।
अगुप्तमङ्गसर्वस्वैर्गुप्ते सर्वेण हीयते ॥ २२९ ॥

नार्याः पुनर्हीनवर्णं वव्रन्त्याः कर्णनासाकर्तनम्। आनुलोम्येन सवर्णं व्रजन्त्या दण्डः कल्प्यः। अयं दण्डाद्युपदेशो राज्ञ एव। तस्यैव पालनाद्यधिकारात्। यदा तु राज्ञो निवेदने विलम्बेन कार्यातिपातशङ्कातदा स्वयमेव जारादीन्हन्यात्। तदाह मनुः—

शस्त्रं द्विजातिभिर्ग्राह्यं धर्मो यत्रोपरुध्यते।
द्विजातीनां च वर्णानां विप्लवे कालकारिते ॥ २३० ॥
आत्मनश्च परित्राणे दक्षिणानां च संगरे।
स्त्रीविप्राभ्युपपत्तौ च घ्नन्धर्मेण न दुष्यति ॥ २३१ ॥

अत्र द्विजातिपदं ब्राह्मणवैश्यपरम्।

ब्राह्मणार्थे गवार्थे च वर्णानां वाऽपि संकरे ।
गृह्णीयातां विप्रविशौ शस्त्रं धर्मव्यतिक्रमे ॥ २३२ ॥

इति बौधायनः । क्षत्रियस्य तन्नित्यम् । परीक्षार्थमपि ब्राह्मण आयुधं नाऽऽददीतेत्यापस्तम्बीयम् । हास्यार्थमपि आयुधं नाऽऽददीतेति बौधायनीयं च धर्मोपरोधादिभिन्नविषयम् । [Page 11] याज्ञवल्क्योऽपि ।

आततायिनमायान्तं हन्यादेवाविचारयन् ॥ २३३ ॥

नाततायिवधे दोषो हन्तुर्भवति कश्चन ।
प्रकाशं वाऽप्रकाशं वा मन्युस्तं मन्युमृच्छति ॥ २३४ ॥

अग्निदो गरदश्चैव शस्त्रपाणिर्धनापहः ।
क्षेत्रदारापहारी च षडेते आततायिनः ॥ २३५ ॥

इति । तथा क्षत्रियवैश्ययोरन्योन्यस्त्र्यभिगमने यथाक्रमं सहस्रपञ्चशतपणात्मकौ दण्डौ । तदाह मनुः—

वैश्यश्चेत्क्षत्रियां गुप्तां वैश्यां वा क्षत्रियो व्रजेत् ।
यो ब्राह्मण्यामगुप्तायां तावुभौ दण्डमर्हतः ॥ २३६ ॥

क्षत्रियायामगुप्तायां वैश्ये पञ्चशतं दमः ।
मूत्रेण मौण्ड्यमान्विच्छेत्क्षत्रियो दण्डमेव वा ॥ २३७ ॥

कन्यादूषणे दण्डमाह नारदः—

दूषणे तु करच्छेद उत्तमे तु वधस्तथा ॥ २३८ ॥

यद्यकामां कन्यां बलात्कारेण नखक्षतादिना दूषयति तदाऽस्य करच्छेत्तव्यः । यदा तामेव अङ्गुलीप्रक्षेपेण योनिं क्षतवतीं करोति तत्र विशेषमाह मनुः—

अभिषह्य तु यः कन्यां कुर्याद्दर्पेण मानवः ।
तस्याऽऽशु कर्त्ये अङ्गल्यौ दण्डं चार्हति षट्शतम् ॥ २३९ ॥

यदा सानुरागां पूर्ववद्दूषयति तत्र तेनैवोक्तम्—

सकामां दूषयानस्तु नाङ्गुलिच्छेदमर्हति ।
द्विशतं तु दमं दाप्यः प्रसङ्गविनिवृत्तये ॥ २४० ॥

यदा तु कन्यैव कन्यां दूषयति विदग्धा वा तत्रापि तेनैवोक्तम्—

कन्यैव कन्यां या कुर्यात्तस्यास्तु द्विशतो दमः ॥ २४१ ॥
या तु कन्यां प्रकुर्यात्स्त्री सा सद्यो मौण्ड्यमर्हति ॥ २४२ ॥

यदा पुनरुत्कृष्टजातीयां कन्यां सानुरागामकामां वाऽधिगच्छति तदा हीनस्य क्षत्रियादेर्वधः । यदा सवर्णां सकामामभिगच्छति तदा मिथुनं शुल्कं पित्रे दद्याद्-

दीच्छति । [Page 11-a] पितर्यनिच्छति तदा राज्ञे दण्डरूपेण दद्यात्सवर्णामकामां गच्छतो वध एव ।

शुल्कं दद्यात्सेवमानः समामिच्छेत्पिता यदि ॥ २४३ ॥
योऽकामां दूषयेत्कन्यां स सद्यो वधमर्हति ।
सकामां दूषयेत्तुल्यो न वधं प्राप्नुयान्नरः ॥ २४४ ॥

किं च —

शतं स्त्रीदूषणे दद्याद्द्वे तु मिथ्याभिशंसने ।
पशून्गच्छन् शतं दाप्यो हीनस्त्रीं गां च मध्यमम् ॥ २४५ ॥

स्त्रीशब्देनात्र कन्या गृह्यते । बलात्कारेण साधारणस्त्रीगमने दण्डमाह —

अप्रयच्छंस्तथा शुल्कमनुभूय पुमान् स्त्रियम् ॥ २४६ ॥
आक्रमेण च संगच्छन्घातदन्तनखादिभिः ॥ २४७ ॥
अयोनौ वाऽपि गच्छेद्यो बहुभिर्वाऽपि वासयेत् ।
शुल्कमष्टगुणं दाप्यो विनयं तावदेव तु ॥ २४८ ॥
वेश्याः प्रधाना यास्तत्र कामुकास्तद्गृहोषिताः ।
तत्समुत्थेषु कार्येषु निर्णयं संशये विदुः ॥ २४९ ॥

यस्तु स्वयोषादावति वर्तते तत्राऽऽह —

अयोनौ गच्छतो योषां पुरुषं वाऽपि मेहतः ।
चतुर्विंशतिको दण्डस्तथा प्रव्रजितागमे ॥ २५० ॥
अन्त्याभिगमने त्वङ्क्यः कुबन्धेन प्रवासयेत् ॥ २५१ ॥

इदं ब्राह्मणविषयम् । अन्त्यानामङ्गिराः ।

चाण्डालः श्वपचः क्षत्ता सूतो वैदेहिकस्तथा ।
मागधायोगवौ चैव सप्तैतेऽन्त्यावसायिनः ॥ २५२ ॥

संवर्तः —

रजकश्चर्मकारश्च नटो बुरुड एव च ।
कैवर्तमेदभिल्लाश्च सप्तैते अन्त्यजाः स्मृताः ॥ २५३ ॥
शूद्रस्तथान्त्य एव स्यादन्त्यस्याऽऽर्यागमे वधः ॥ २५४ ॥
अवरुद्धासु दासीषु भुजिष्यासु तथैव च ।
गम्यास्वपि पुमान्दाप्यः पञ्चाशत्पणिकं दमम् ॥ २५५ ॥

उक्तलक्षणवर्णस्त्रियो दास्यस्ता एव स्वामिना पुरुषान्तरोपभोगतो निरुद्धा अवरुद्धाः पुरुषनियतपरिग्रहा भुजिष्याः । अपि शब्दाद्वेश्यास्वैरिणीनां ग्रहणम् ।

[Page 12] तासु च पुरुषसाधारणतया गम्यास्वपि पञ्चाशत्पणं दण्डनीयः। परपरिगृहीतत्वेन परदारतुल्यत्वात्। एतत्स्पष्टमुक्तं नारदेन —

स्वैरिण्यब्राह्मणी वेश्या दासी निष्कासिनी च या।
गम्याः स्युरानुलोम्येन स्त्रियो न प्रतिलोमतः॥ २५६॥
आस्वेव तु भुजिष्यासु दोषः स्यात्परदारवत्।
गम्यास्वपि हि नोपेयाद्यतस्ताः स परिग्रहाः॥ २५७॥

धात्रीगमने परिचारकस्त्रीगमने च दण्डमाह कात्यायनः —

बालधात्रीमधात्रीं च दासीमिव भुनक्ति यः।
परिचारकपत्नीं च प्राप्नुयात्पूर्वसाहसम्॥ २५८॥

इति। व्यभिचरितस्त्रीगमने संवर्तः। मिताक्षरायाम्।

चतुर्थे स्वैरिणी प्रोक्ता पञ्चमे बन्धकी मता॥ २५९॥

इति। षट्त्रिंशन्मते —

ब्राह्मणीं बन्धकीं गत्वा किंचिद्दत्त्वा द्विजातये।
राजन्यां च धनुर्दद्याद्वैश्यं गत्वा तु चैलकम्॥ २६०॥
शूद्रां गत्वा तु यो विप्र उदकुम्भं द्विजातये।
दिवसोपोषितो वा स्याद्दद्याद्विप्राय भोजनम्॥ २६१॥

इति। शक्तौ तु यमः —

त्रिरात्रोपोषितः स्नात्वा दद्यात्संमार्जनीं तथा॥ २६२॥

इति। गर्भोत्पत्तौ तूशना —

गमने तु व्रतं यत्स्याद्गर्भे तु द्विगुणं चरेत्॥ २६३॥

इति। संवर्तः —

कथंचिद्ब्राह्मणीं गच्छेत्क्षत्रियो वैश्य एव वा।
कृच्छ्रं सांतपनं कुर्यात्प्रायश्चित्तं विधीयते॥ २६४॥
शूद्रस्तु ब्राह्मणीं गच्छेत्कथंचित्काममोहितः।
गोमूत्रयावकाहारो मासेनैकेन शुध्यति॥ २६५॥

तदन्त्यजव्यभिचारिब्राह्मणीविषयम्। अन्त्यजागमने संवर्तः —

रजकव्याधभैलूषवेणुचर्मोपजीविनी।
एतास्तु ब्राह्मणो गत्वा चरेच्चान्द्रायणद्वयम्॥ २६६॥

इति । इदं ब्राह्मणस्याकामतः सकृद्गमनविषयम् । क्षत्रियादीनां तु । पादहीनं कल्पनीयम् । [Page 12-a] अत्रैवापस्तम्बेनोक्तम्—

म्लेच्छी नटी चर्मकारी रजकी बुरुडी तथा ।
एतासु गमनं कृत्वा चरेच्चान्द्रायणद्वयम् ॥ २६७ ॥

इति । अकामतस्तु गमने यथाऽऽहाऽऽपस्तम्बः —

चण्डालमेदश्वपचकपालव्रतचारिणाम् ।
अकामतः स्त्रियो गत्वा पराकं व्रतमाचरेत् ॥ २६८ ॥

इति । शातातपः ।

कैवर्तीं रजकीं चैव वेणुचर्मोपजीविनीम् ।
प्रजापत्यविधानेन कृच्छ्रेणैकेन शुध्यति ॥ २६९ ॥

इति । तद्रेकतः सेकात्प्राङ्निवृत्तिविषयम् । उशना ।

कापालिकान्न भोक्तॄणां तन्नारीगामिनां तथा ।
ज्ञात्वा कृच्छ्राब्दमुद्दिष्टमज्ञानादैन्दवद्वयम् ॥ २७० ॥

इति । तदभ्यासविषयम् । यदा चण्डाल्यादिषु गच्छतो गर्भो भवति तदा ।

चण्डाल्यां गर्भमारोप्य गुरुतल्पव्रतं चरेत् ॥ २७१ ॥

इत्युशनसोक्तं द्वादशवार्षिकं द्रष्टव्यम् । यत्तु—

अन्त्यजायां प्रसूतिः स्यान्निष्कृतिर्न विधीयते ।
निर्वासनं कृताङ्कस्य तस्य कार्यमसंशयम् ॥ २७२ ॥

इत्यापस्तम्ब आह । तत्कामकारविषयम् । स्त्रीणामपि सवर्णानुलोमव्यवाये यत्पुरुषस्योक्तं त्रैवार्षिकादि तदेव भवति ।

यत्पुंसः परदारेषु तच्चैनां चारयेद्व्रतम् ॥ २७३ ॥

इति मनुवचनात् । ब्राह्मण्या क्षत्रियवैश्यगमने दण्डमाह वसिष्ठः । ब्राह्मण्याः शिरसि वपनं कारयित्वा सर्पिषाऽभ्यज्य नग्नां खरमारोप्य महापथमनुव्राजयेत् । तथा शूद्रागमने ब्राह्मण्याः शिरसि वपनं कारयित्वा सर्पिषाऽभ्यज्य नग्नां खरमारोप्य महापथमनुव्राजयेत् । पूता भवतीति विज्ञायते । एवं वैश्यायाः क्षत्रियगमने शूद्रायाश्च वैश्यक्षत्रियगमने ज्ञेयम् । महापथो राजमार्गः । राजमार्गपरिव्राजनमेव दण्डः । प्रायश्चित्तं तु भिन्नमिति । विधवायास्तु असकृद्व्यभिचारे घृतावसिक्ताया [Page 13] गोमयाग्निना दाहः । इति चतुर्विंशति मतात् । तथाऽऽहोशना—

अन्त्यजेन तु संपर्के भोजने मैथुने कृते ।
प्रविशेत्संप्रदीप्तेऽग्नौ मृत्युनाऽऽशु विशुध्यति ॥ २७४ ॥

इति । यदा प्रायश्चित्तं न करोति तदा पुंलिङ्गेनाङ्कनीया वध्या वा भवेत् ।

हीनवर्णोपभुक्ता या साऽङ्क्या वध्याऽथवा भवेत् ॥ २७५॥

इति पराशरस्मरणात् । अनुक्तदण्डेषु पारदार्येषु प्रायश्चित्तलघुगुरुभावेन राजदण्डः कल्पनीय इति दिक् ।

॥ इति पारदार्यप्रकरणम् ॥



४ अथ वाक्पारुष्ये दण्डः ।

तल्लक्षणमाह नारदः —

देशजातिकुलादीनामाक्रोशन्यङ्गसंयुतम् ।
यद्वचः प्रतिकूलार्थं वाक्पारुष्यं तदुच्यते ॥ २७६ ॥

उच्चैर्भाषणमाक्रोशः । न्यङ्गमवद्यम् तस्य च दण्डतारतम्यार्थं त्रैविध्यं तेनैवोक्तम् ।

निष्ठुराश्लीलतीव्रत्वात्तदपि त्रिविधं स्मृतम् ।
गौरवानुक्रमात्तस्य दण्डोऽपि स्यात्क्रमाद्गुरुः ॥ २७७ ॥
साक्षेपं निष्ठुरं ज्ञेयमश्लीलं न्यङ्गसंयुतम् ।
पतनीयैरुपाक्रोशैस्तीव्रमाहुर्मनीषिणः ॥ २७८ ॥

इति । तत्र धिङ्मूर्खेत्यादि साक्षेपम् । भगिनीगामीत्यादि अश्लीलम् । ब्रह्महाऽसीत्यादि तीव्रम् । तत्र निष्ठुराक्षेपे सवर्णविषये दण्डः ।

सत्यासत्यान्यथास्तोत्रैर्न्यूनाङ्गेन्द्रियरोगिणाम् ।
क्षेपं करोति चेद्दण्ड्यः पणानर्धत्रयोदशान् ॥ २७९ ॥

सत्यम् । नेत्रयुगलहीने एव अन्धोऽसीति तत्सत्यम् । चक्षुष्मानेव अन्ध इत्युच्यते तदसत्यम् । विकृताकृतिरेव दर्शनीयस्त्वमसीत्युच्यते तदन्यथास्तोत्रम् । एतैर्यः क्षेपं भर्त्सनं करोत्यसौ अर्धाधिकत्रयो [Page 13-a] दशपणान्दण्ड्यः । यदा पुनः पुत्रादयो मात्रादीन् शपन्ति तेषां दण्डस्तेनैवोक्तः —

मातरं पितरं जायां भ्रातरं श्वशुरं गुरुम् ।
आक्षारयञ्छतं दाप्यः पन्थानं चाददद्गुरोः ॥ २८० ॥

अयं च दण्डः सापराधेषु मात्रादिषु गुरुषु निरपराधायां च जायायां द्रष्टव्यः । अश्लीलापेक्षदण्डमाह । याज्ञवल्क्यः —

अभिगन्तास्मि भगिनीं मातरं वा तवेति ह ।
शपन्तं दापयेद्राजा पञ्चविंशतिकं दमम् ॥ २८१ ॥

इदानीं विषमगुणेषु दण्डं प्रतिपादयति —

अर्धोऽधमेषु द्विगुणः परस्त्रीषूत्तमेषु च ॥ २८२ ॥

वर्णानामनुलोमानां च परस्पराक्षेपे दण्डमाह —

दण्डप्रणयनं कार्यं वर्णजात्युत्तराधरैः ॥ २८३ ॥

वर्णाः ब्राह्मणाद्याः । जातयो मूर्धावसिक्तादयः । मूर्धावसिक्तं ब्राह्मणाद्धीनं क्षत्रियादुत्कृष्टम् चाकुश्य ब्राह्मणः क्षत्रियाक्षेपनिमित्तात्किंचिदधिकं दण्डमर्हति । मूर्धावसिक्ताम्बष्ठयोः परस्पराक्षेपे ब्राह्मणक्षत्रियदण्डवत् ।

प्रातिलोम्यापवादेषु द्विगुणत्रिगुणा दमाः ।
वर्णानामानुलोम्येन तस्मादर्धार्धहानितः ॥ २८४ ॥

शतं ब्राह्मणमाक्रुश्य क्षत्रियो दण्डमर्हति ।
वैश्योऽप्यर्धशतं द्वे वा शूद्रस्तु वधमर्हति ॥ २८५ ॥

वधं ताडनजिव्हाच्छेदनरूपम् ।

पञ्चाशद्ब्राह्मणो दण्ड्यः क्षत्रियस्याभिशंसने ।
वैश्ये स्यादर्धपञ्चाशच्छूद्रे द्वादशको दमः ॥ २८६ ॥

एवं क्षत्रियस्य वैश्याक्रोशे वैश्यस्य शूद्राक्रोशे आनुलोम्येन चाऽऽक्रोशे ज्ञेयं पुनर्निष्ठुराक्षेपमधिकृत्याऽऽह — [Page 14]

बाहुग्रीवानेत्रसक्थिविनाशे वाचिके दमः ।
शत्यस्तदर्धिकः पादनासाकर्णकरादिषु ॥ २८७ ॥

वाचा प्रतिपादिते छिन्नग्रीत्यादिरूपे प्रत्येकं विनाशे शत्यः शतपणरूपः । पादनासाकर्णकरादिषु तदर्धः ।

अशक्तस्तु वदन्नेवं दण्डनीयः पणान्दश ।
तथा शक्तः प्रतिभुवं दाप्यः क्षेमाय तस्य तु ॥ २८८ ॥

तीव्राक्रोशे दण्डमाह —

पतनीयैः कृते क्षेपे दण्डो मध्यमसाहसः ।
उपपातकयुक्ते तु दाप्यः प्रथमसाहसम् ॥ २८९ ॥

ब्रह्महाऽसि गोघ्नस्त्वमसीत्यादिरूपः ।

त्रैविद्यनृपदेवानां क्षेप उत्तमसाहसः ।
मध्यमो ज्ञातिपूगानां प्रथमो ग्रामदेशयोः ॥ २९० ॥

इति । अत्र विष्णुना विशेषोऽभिहितः । अक्रोशयिता च विजिव्हः । हीनवर्णोऽधिकवर्णस्य जातिभ्रंशादिभिराक्रोशयिता जिव्हारहितः कार्यः । यथाऽऽह मनुः —

एकजातिर्द्विजातींस्तु वाचा दारुणया क्षिपन् ।
जिव्हायाः प्राप्नुयाच्छेदं जघन्यप्रभवो हि सः ॥ २९१ ॥

एकजातिग्रहणं क्षत्रियाद्युपलक्षणं जघन्यज इति हेतोः । अनृतभाषणे कात्यायनः —

अनृताक्षेपशीलानां जिव्हाच्छेदो विशोधनम् ॥ २९२ ॥

हारीतोऽपि । मिथ्यादूषिणां मेलकानां च राज्ञा जिव्हां छिन्द्यात् । क्वचिदपवाद-माहोशना —

मोहात्प्रमादात्संहर्षात्प्रीत्या वोक्तं मयेति यः ।
नाहमेवं पुनर्वक्ष्ये दण्डार्धं तस्य कल्पयेत् ॥ २९३ ॥

इति । विष्णुः । वेदोदाहर्ता शूद्रश्च विजिव्हः —

धर्मोपदेशकर्ता च वेदोदाहरणान्वितः ।
आक्रोशकस्तु विप्राणां जिव्हाच्छेदेन दण्ड्यताम् ॥ २९४ ॥

इति बार्हस्पत्यात् । [Page 14-a] विष्णुः । दर्पेण धर्मोपदेशकारिणां राजा तप्तमासेचयेत्तैलमास्ये । दर्पेण विद्यागर्वेण । यथाऽऽह मनुः —

धर्मोपदेशं दर्पेण विप्राणामस्य कुर्वतः ।
तप्तमासेचयेत्तैलं वक्त्रे श्रोत्रे च पार्थिवः ॥ २९५ ॥

गौतमोऽपि । अथास्य वेदमुपश्रुश्रृण्वतस्त्रपुजतुभ्यां श्रोत्रपूरीणारणमुदाहरणे जिव्हाच्छेदो धारणे शरीरभेद इति । एतच्च दर्पेण साक्षात् श्रवणे वेदितव्यम् । विष्णुः । द्रोहेण च नामजातिग्रहणे दशाङ्गुलोऽस्य शङ्कुर्निखेयो मुखे तथाऽऽह मनुः —

नामजातिग्रहं तेषामभिद्रोहेण कुर्वतः ।
निधेयोऽयोमयः शङ्कुर्ज्वलन्नास्ये दशाङ्गुलः ॥ २९६ ॥

द्रोहेण ईर्ष्यातिशयेन अरे डित्थायपरविप्रेत्याद्यधिकवर्णनामजातिग्रहणं कुर्वतः । हीनवर्णाक्रोशे उत्तमस्य दण्डमाह विष्णुः । हीनवर्णाक्रोशने षट् । इदमपि सगुणपरम् । निर्गुणाक्षेपे तु न दण्डः ।

गुणहीनस्य पारुष्ये ब्राह्मणो नापराध्नुयात् ॥ २९७ ॥

इति बार्हस्पत्यात् ।

॥ इति वाक्पारुष्यम् ॥

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५ अथ दण्डपारुष्ये दण्डः ।

तत्स्वरूपमाह मिताक्षरायां नारदः—

परगात्रेष्वभिद्रोहो हस्तपादायुधादिभिः ।
भस्मादिभिश्चोपघातो दण्डपारुष्यमुच्यते ॥ २९८ ॥

परगात्रादिषु स्थावरजङ्गमादिद्रव्येषु । अभिद्रोहो दुःखोत्पादनम् । तथा भस्मादिग्रहणाद्रजः पङ्कपुरीषाद्यैरुपघातः संदर्शनरूपं मनोदुःखोत्पादनम् । तस्य भेदानाह—

तस्यापि दृष्टं त्रैविध्यं हीनमध्योत्तमक्रमात् ।
अवगू(गो)रणानिःशङ्कपातनक्षतदर्शनैः ॥ २९९ ॥ [Page 15]

हीनमध्योत्तमद्रव्यरूपकर्मत्रैविध्यात्पुनस्त्रैविध्यम् ।

हीनमध्योत्तमानां च द्रव्याणां समतिक्रमात् ।
त्रीण्येव साहसान्याहुस्तत्र कण्टकशोधनम् ॥ ३०० ॥

राज्ञा कार्यमिति शेषः । उपघातस्य भेदानाह परिशिष्टकारः—

दुःखं रक्तं व्रणं भङ्गं च्छेदनं भेदनं तथा ।
कुर्याद्यत्प्राणिनां तद्धि दण्डपारुष्यमुच्यते ॥ ३०१ ॥
विधिः पञ्चविधस्तूक्त एतयोरुभयोरपि ॥ ३०२ ॥
पारुष्ये सति संरम्भादुत्पन्ने क्रुद्धयोर्द्वयोः ।
स मान्यते यः क्षमते दण्डभाग्योऽतिवर्तते ॥ ३०३ ॥
पूर्वमाक्षारयेद्यस्तु नियतं स्यात्स दोषभाक् ।
पश्चाद्यः सोऽप्यसत्कारी पूर्वे तु विनयो गुरुः ॥ ३०४ ॥
द्वयोरापन्नयोस्तुल्यमनुबध्नाति यः पुनः ।
स तयोर्दण्डमाप्नोति पूर्वो वा यदि वेतरः ॥ ३०५ ॥
पारुष्यदोषावृतयोर्युगपत्संप्रवृत्तयोः ।
विशेषश्चेन्न लक्ष्येत विनयः स्यात्समस्तयोः ॥ ३०६ ॥
श्वपाकपण्डचण्डालव्यङ्गेषु वधवृत्तिषु ।
हस्तिपव्रात्यदासेषु गुर्वाचार्यानृपेषु च ॥ ३०७ ॥
मर्यादातिक्रमे सद्यो घात एवानुशासनम् ॥ ३०८ ॥

यमेव ह्यतिवर्तेरन्नेते सन्तं जनं नृषु ।
स एव विनयं कुर्यान्न तद्विनयभाङ्नृपः ॥ ३०९ ॥

आक्रुष्टस्तु समाक्रोशंस्ताडितः प्रतिताडयन् ।
हत्वाऽपराधिनं चैव नापराधी भवेन्नरः ॥ ३१० ॥

मला ह्येते मनुष्याणां धनमेषां मलात्मकम् ।
अतस्तान्घातयेद्राजा नार्थदण्डेन दण्डयेत् ॥ ३११ ॥

द्वयोः कलहप्रवृत्तयोर्मध्ये यः क्षमेत तस्य दण्डाभावः पूज्यत्वं च । पूर्वं कलहप्रवृत्तस्य दण्डगुरुत्वम् । अपराधविशेषापरिज्ञाने दण्डः समः । [Page 15-a] श्वपचादिभिरार्याणामपराधे कृते सज्जना एव दण्डदापनेऽधिकारिणः । श्वपचादीन्राजा घातयेन्नार्थं गृह्णीयादिति । दण्डपारुष्यसंदेहे निर्णयहेतुमाह —

असाक्षिके हते चिन्हैर्युक्तिभिश्चाऽऽगमेन च ।
द्रष्टव्यो व्यवहारस्तु कूटचिन्हकृतो भयात् ॥ ३१२ ॥

एवं निश्चिते साधनविशेषे दण्डविशेषमाह —

भस्मपङ्करजःस्पर्शे दण्डो दशपणः स्मृतः ।
अमेध्यपार्ष्णिनिष्ठ्यूतस्पर्शने द्विगुणस्ततः ॥ ३१३ ॥
समेष्वेवं परस्त्रीषु द्विगुणस्तूत्तमेषु च ।
हीनेष्वर्धदमो मोहमदादिभिरदण्डनम् ॥ ३१४ ॥

अमेध्यमिति अश्रुश्लेष्मनखकेशकर्णविट्दूषिकाशुक्रोच्छेषादिकम् । पार्ष्णिः पादस्य पश्चिमो भागः । निष्ठ्यूतं मुखनिःसारितं जलम् । पुरीषादिस्पर्शने कात्यायनेन विशेषो दर्शितः —

छर्दिमूत्रपुरीषाद्यैरापाद्यः स चतुर्गुणः ।
षड्गुणः कायमध्ये स्यान्मूर्ध्नि त्वष्टगुणः स्मृतः ॥ ३१५ ॥

इति । आद्यग्रहणाद्वसाशुक्रादयो गृह्यन्ते । स च सवर्णविषयः । परभार्यासु चाविशेषेण । मोहमदादिभिरित्यत्रादिग्रहणाद्ग्रहावेशादिकम् । बृहस्पतिः —

उद्यतेऽश्मशिलाकाष्ठे कर्तव्यः प्रथमो दमः ॥ ३१६ ॥
मध्यमः शस्त्रसंपाते संयोज्यः क्षुब्धयोर्द्वयोः ॥ ३१७ ॥

एतद्युक्तेन कृतेऽप्यपराधे दण्डाभावः । प्रातिलोम्यापराधे दण्डमाह । विष्णुः । हीनवर्णोऽधिकवर्णस्य येनाङ्गेनापराधं कुर्यात्तदेवास्य शातयेत् । योगीश्वरोऽपि — [Page 16]

विप्रपीडाकरं च्छेद्यमङ्गमब्राह्मणस्य तु ।
उद्गूर्णे प्रथमो दण्डः संस्पर्शे तु तदर्धिकः ॥ ३१८ ॥

मनुराह —

येन केनचिदङ्गेन हिंस्याच्छ्रेयांसमन्त्यजः ।
च्छेत्तव्यं तत्तदेवास्य तन्मनोरनुशासनम् ॥ ३१९ ॥

एवम् —

पाणिमुद्यम्य दण्डं वा पाणिच्छेदनमर्हति ॥ ३२० ॥

याज्ञवल्क्यः [मनुः] —

अवनिष्ठीवतो दर्पाद्द्वावोष्ठौ च्छेदयेन्नृपः ।
अवमूत्रयतो मेढ्रमवशर्धयतो गुदम् ॥ ३२१ ॥
केशेषु गृह्णतो हस्तौ च्छेदयेदविचारयन् ।
पादयोस्ताडने चैव ग्रीवायां च व्रणेषु च ॥ ३२२ ॥

कात्यायनः —

देहेन्द्रियविनाशे तु यथा दण्डं प्रकल्पयेत् ।
प्रणितुष्टिकरं देयं समुत्थानं च पण्डितैः ॥ ३२३ ॥

एवं त्रैवर्णिकापराधे शूद्रस्याङ्गच्छेदनमेव । विष्णुः । एकासनोपवेशी —

कट्यां कृताङ्को निर्वास्यः स्फिचं वाप्यस्य कर्तयेत् ॥ ३२४ ॥

इति । अङ्कनं च तप्ताय सेनेति वैजयन्तीकारः । सजातिमधिकृत्याऽऽह —

उद्गूर्णे हस्तपादे तु दशविंशतिकौ दमौ ।
परस्परं तु सर्वेषां शस्त्रे मध्यमसाहसः ॥ ३२५ ॥
पादकेशांशुककरोल्लुञ्चनेषु पणान्दश ।
पीडाकर्षांशुकावेष्टपादाध्यासे शतं दमः ॥ ३२६ ॥
शोणितेन विना दुःखं कुर्वन्काष्ठादिभिर्नरः ।
द्वात्रिंशतं पणान्दण्ड्यो द्विगुणं दर्शनेऽसृजः ॥ ३२७ ॥

अत्र मनुना विशेष उक्तः —

त्वग्भेदकः शतं दण्ड्यो लोहितस्य तु दर्शकः ।
मांसभेत्ता च षण्निष्कान्प्रवास्यस्त्वस्थिभेदकः ॥ ३२८ ॥
करपाददतो भङ्गे च्छेदने कर्णनासयोः ।
मध्यो दण्डो व्रणोद्भेदे मृतकल्पहते तथा ॥ ३२९ ॥
चेष्टाभोजनवाग्रोधे नेत्रादिप्रतिभेदने ।
कन्धराबाहुसक्थ्नां च भङ्गे मध्यमसाहसः ॥ ३३० ॥

इति योगिवचनम् । तत्र भङ्गो भेदनं न तु च्छेदनमिति । यथाऽऽह कात्यायनः —

कर्णौष्ठघ्राणपादाक्षिजिव्हाशिश्नकरस्य च ।
च्छेदने चोत्तमो दण्डो भेदने मध्यमो भृगुः ॥ ३३१ ॥

इति । [Page 16-a] च्छेदनं द्वैधीभावः । भेदनमवयवशैथिल्यम् । चेष्टारोधादिनिमित्ते प्रत्येकं दण्डो वेदितव्यः । आदिपदाज्जिव्हाप्रभेदनेऽपि । अपि च —

एकं घ्नतां बहूनां च यथोक्ताद्द्विगुणो दमः ॥ ३३२ ॥

यस्मिन्यास्मिन्नपराधे यो दण्डस्तस्माद्द्विगुणो दण्डः प्रत्येकं वेदितव्यः ।

वाक्पारुष्ये य एवोक्ताः प्रतिलोमानुलोमतः ।
त एव दण्डपारुष्ये दाप्या राज्ञा यथाक्रमम् ॥ ३३३ ॥
कलहापहृतं देयं दण्डश्च द्विगुणस्ततः ॥ ३३४ ॥
दुःखमुत्पादयेद्यस्तु संसमुत्थानजं व्ययम् ।
दाप्यो दण्डश्च यो यस्मिन्कलहे समुदाहृतः ॥ ३३५ ॥

समुत्थानं परिचर्या । तया सह वर्तमान व्ययं दद्युः । व्ययं दत्त्वा परिचरेयुरित्यर्थः । दरिद्रस्तु परिचर्यामात्रं कुर्यात् । यथाऽऽह कात्यायनः —

वाग्दण्डस्ताडनं चैव येषूक्तमपराधिषु ।
हृतं भग्नं प्रदाप्यास्ते शोध्यं निःस्वैस्तु कर्मणा ॥ ३३६ ॥

व्ययदानानिच्छुस्तावन्तं दण्डं दाप्यः । यथाऽऽह मनुः —

समुत्थानव्ययं दाप्यः सर्वदण्डमथापि वा ॥ ३३७ ॥

इति ।

व्ययशब्द[स्य] सामर्थ्यात्कलहापहृतं च यत् ॥ ३३८ ॥

इति बार्हस्पत्यात् । अपहर्तॄणां च द्विगुणो दण्डः —

कलहापहृतं देयं दण्डश्च द्विगुणस्ततः ॥ ३३९ ॥

इति योगिस्मरणात् । ततोऽपहृताद्वस्तुनः । समुत्थानजं व्रणशोषणार्थमौषधार्थं दण्डं च दाप्यः । परगात्राभिद्रोहे दण्डमुक्त्वा बहिरङ्गार्थनाशे दण्डमाह —

अभिघाते तथा च्छेदे भेदे कुड्यावपातने ।
पणान्दाप्यः पञ्चदशविंशतिं तद्व्ययं तथा ॥ ३४० ॥
षोडशाद्यः पणान्दाप्यो द्वितीयो मध्यमं दमम् ॥ ३४१ ॥

कुड्यावपातने एते त्रयो दण्डाः समुच्चिता ग्राह्याः । पुनः कुड्यसंपादनार्थं धनं स्वामिने दद्यात् ।

दुःखोत्पादि गृहे द्रव्यं क्षिपन्प्राणहरं तथा ।
षोडशाद्यः पणान्दाप्यो द्वितीयो मध्यमं दमम् ॥ ३४२ ॥

दुःखोत्पादि कण्टकादि । प्राणहरं विषादि । क्रमेण षोडशपणमध्यमसाहसौ विज्ञेयौ । [Page 17] पश्वभिद्रोहे दण्डमाह —

दुःखे च शोणितोत्पादे शाखाङ्गच्छेदने तथा ।
दण्डः क्षुद्रपशूनां तु द्विपणप्रभृतिः क्रमात् ॥ ३४३ ॥
शोणितस्रावशृङ्गाङ्गच्छेदनेषु क्रमेण च ॥ ३४४ ॥

द्विपणश्चतुष्पणः षट्पणोऽष्टपण इत्येवं रूपः । किं च —

लिङ्गस्य च्छेदने मृत्यौ मध्यमो मूल्यमेव च ।
महापशूनामेतेषु स्थानेषु द्विगुणो दमः ॥ ३४५ ॥

महापशूनां गोगजवाजिप्रभृतीनां स्वामिने मूल्यं दण्डं च राज्ञे । विष्णुरपि ग्राम्यपशुपीडाकराश्च । ग्राम्याः पशवो गवाश्वादयः । तेषां व्रणादिकर्तारस्तेऽपि तत्परिचर्यापूर्वकं व्ययं दद्युः । चकारात्तैलाभ्यङ्गादिकं च कर्तव्यम् । यथा पराशरः —

व्रणभङ्गे च कर्तव्यस्तैलाभ्यङ्गस्तु पाणिना ।
यवसं चोपहर्तव्यो यावद्दृढबलो भवेत् ॥ ३४६ ॥

इति । विष्णुः । पशूनां पुंस्त्वोपघाती कार्षापणशतम् । स्थावराभिद्रोहे दण्डमाह—

प्ररोहिशाखिनां शाखास्कन्धसर्वविदारणे ।
उपजीव्यद्रुमाणां च विंशतेर्द्विगुणो दमः ॥ ३४७ ॥

अनुपजीव्या प्ररोहिशाखिषु कल्प्यम् । वृक्षविशेषं प्रत्याह —

चैत्यश्मशानसीमासु पुण्यस्थाने सुरालये ।
जातद्रुमाणां द्विगुणो दमो वृक्षेऽथ विश्रुते ॥ ३४८ ॥
वनस्पतीनां सर्वेषामुपभोगो यथा यथा ।
तथा तथा दमः कार्यो हिंसायामिति धारणा ॥ ३४९ ॥

इति मनुस्मरणात् । विष्णुरपि । फलोपभोगद्रुमच्छेदीतूत्तमसाहसं । पुष्पोपभोगच्छेदी मध्यमसाहसम् । वल्लीगुल्मलताच्छेदी कार्षापणशतम् । तृणच्छेद्येकम् । सर्वे च तत्स्वामिनां तदुत्पत्तिमिति । तदुत्पत्तिं छिन्नद्रुमाद्युत्पत्तिसामग्रीं दद्युरिती । भार्यादि ताडने । दण्डमाह यमः —

भार्या पुत्रश्च दासश्च दासी शिष्यश्च पञ्चमः ।
कृतापराधास्ताड्याः स्यू रज्ज्वा वेणुदलेन वा ॥ ३५० ॥

अधस्तात्तु प्रहर्तव्यं नोत्तमाङ्गे कथंचन ।
अतोऽन्यथा प्रवृत्तस्तु यथोक्तं दण्डमर्हति ॥ ३५१ ॥

[Page 17-a]

मनुरपि —

भार्या पुत्रश्च दासश्च दासी भ्राता सहोदरः ।
प्राप्तापराधास्ताड्याश्च रज्ज्वा वेणुदलेन वा ॥ ३५२ ॥
पृष्ठतस्तु शरीरस्य नोत्तमाङ्गे कथंचन ।
अतोऽन्यथा तु प्रहरन्प्राप्तः स्याच्चौरकिल्बिषम् ॥ ३५३ ॥

यत्र तु आत्मनः कश्चिद्द्वेषात्ताडनादि चिन्हं विधाय परमभिद्रवति । तत्र साक्षादिभिर्दिव्येन वा परीक्षणं कार्यमिति नारदोक्तेः । गुल्मादीन्प्रत्याह ।

गुल्मगुच्छक्षुपलताप्रतानौषधिवीरुधाम् ।
पूर्वस्मृतादर्धदण्डः स्थानेषूक्तेषु कर्तने ॥ ३५४ ॥

॥ इति दण्डपारुष्यं च ॥

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६ अथ केवलसाहसे दण्डः ।



तत्स्वरूपं नारदेनोक्तम्—

सहसा क्रियते कर्म यत्किंचिद्बलदर्पितैः ।
तत्साहसमिति प्रोक्तं सहो बलमिहोच्यते ॥ ३५५ ॥

तदिदं चौर्यवाग्दण्डपारुष्यस्त्रीसंग्रहणेषु व्यासक्तमपि बलदर्पावष्टम्भोपाधिभिर्भिद्यत इति दण्डातिरेकार्थं पृथगभिधानम् । तस्य त्रैविध्यमाह—

तत्पुनस्त्रिविधं ज्ञेयं प्रथमं मध्यमं तथा ।
उत्तमं चेति शास्त्रेषु तस्योक्तं लक्षणं पृथक् ॥ ३५६ ॥

फलमूलोदकादीनां क्षेत्रोपकरणस्य च ।
भङ्गक्षेपावमर्दाद्यैः प्रथमं साहसं स्मृतम् ॥ ३५७ ॥

वासः पश्वन्नपानानां गृहोपकरणस्य च ।
एतेनैव प्रकारेण मध्यमं साहसं स्मृतम् ॥ ३५८ ॥

व्यापादो विषशस्त्राद्यैः परदाराभिमर्शनम् ।
प्राणोपरोधि यच्चान्यदुक्तमुत्तमसाहसम् ॥ ३५९ ॥

मनुष्यमारणादीनां जनसमक्षं क्रियमाणानां साहसत्वम् । असमक्षं क्रियमाणानां चौर्यत्वादिकमिति भेदः । तत्र परद्रव्यापहरणरूपे साहसे दण्डमाह—

तन्मूल्याद्द्विगुणो दण्डो निह्नवे तु चतुर्गुणः ॥ ३६० ॥

साहसिकस्य प्रयोजयितारं प्रत्याह—

यः साहसं कारयति स दाप्यो द्विगुणं दमम् ।
यश्चैवमुक्त्वा हन्तारं कारयेत्स चतुर्गुणम् ॥ ३६१ ॥

वाचैव साहसं कुर्वित्युक्ते साहसिकदण्डाद्द्विगुणम् । अहं तुभ्यं धनं दास्यामि त्वं साहसं कुरु इत्युक्ते चतुर्गुणं दाप्योऽनुबन्धातिशयात् । साहसिकविशेषं प्रत्याह—

अर्घ्याक्रोशातिक्रमकृद्भ्रातृभार्याप्रहारकः । [Page 18]
संदिष्टस्याप्रदाता च समुद्रगृहभेदकृत् ॥ ३६२ ॥

सामन्तकुलिकादीनामपकारस्य कारकः ।
पञ्चाशत्पणिको दण्ड एषामिति विनिश्चयः ॥ ३६३ ॥

स्वच्छन्दं विधवागामी विक्रुष्टेऽनाभिधावकः ।
अकारणे च विक्रोष्टा चण्डालश्चोत्तमान्स्पृशन् ॥ ३६४ ॥
शूद्रप्रव्रजितानां च दैवे पित्र्ये च भोजकः ।
अयुक्तं शपथं कुर्वन्न योग्यो योग्यकर्मकृत् ॥ ३६५ ॥
वृषक्षुद्रपशूनां च पुंस्त्वस्य प्रतिघातकृत् ।
साधारणस्यापलापी दासीगर्भविनाशकृत् ॥ ३६६ ॥
पितापुत्रस्वसृभ्रातृदंपत्याचार्यशिष्यकाः ।
एषामपतितान्योन्यत्यागी च शतदण्डभाक् ॥ ३६७ ॥

अस्यार्थः । स्वच्छन्दं विधवां गच्छतीति । चौर्यादिभयाकुलैर्विक्रुष्टः शक्तोऽपि न धावति । यश्चाकारणं विक्रोशति । चण्डालश्च द्विजातिं स्पृशति । यश्च शूद्रादीन्दैवपित्र्यकर्मणि भोजयति । मातरं ग्रहीष्यामीति शपथं करोति । शूद्रादिरयोग्यकर्माध्ययनादि करोति । वृषादीनां पुंस्त्वघातं करोति । यश्च साधारणद्रव्यस्य वञ्चकः । दासीगर्भपातयिता ये च पित्रादयोऽपतिता एवान्योऽन्यं त्यजन्ति ते सर्वे प्रत्येकं पणशतदण्डार्हा भवन्ति । साहसिकज्ञानोपायमाह बृहस्पतिः —

हतः संदृश्यते यत्र घातकश्च न दृश्यते ।
पूर्ववैरानुमानेन ज्ञातव्यः स महीभुजा ॥ ३६८ ॥
प्रातिवेश्यानुवेश्यौ च तस्य मित्रारिबान्धवाः ।
द्रष्टव्या राजपुरुषैः सामादिभिरुपक्रमैः ॥ ३६९ ॥
विज्ञेयोऽसाधुसंसर्गाच्चिन्हैर्होडे(ढे)न वा नरैः ।
एषोदिता घातकानां तस्कराणां विभावना ॥ ३७० ॥
गृहीतः शङ्कया यस्तु न तत्कार्यं प्रपद्यते ।
शपथेनावबोद्धव्यः सर्ववादेष्वयं विधिः ॥ ३७१ ॥

चिन्हं रक्तलेपादि । होडं (होढं) मृतस्य दहनादि (घनादि) । ज्ञानानन्तरं कर्तव्यमाह व्यासः —

ज्ञात्वा तु घातकं सम्यक् स सहायं स बान्धवम् ।
हन्याच्चित्रवधोपायैरुद्वेजनकरैर्नृपः ॥ ३७२ ॥

बृहस्पतिरपि —

प्रकाशघातका ये च तथा चोपांशुघातकाः ।
ज्ञात्वा सम्यग्धनं हृत्वा हन्तव्या विविधैर्वधैः ॥ ३७३ ॥

इति । मिताक्षरायाम्— [Page 18-a]

क्षेत्रवेश्मवनग्रामविवीतखलदाहकाः ।
राजपत्न्यभिगामी च दग्धव्यश्च कटाग्निना ॥ ३७४ ॥

इति । साहसप्रसङ्गात्तत्सदृशापराधे दण्डमाह—

वसानस्त्रीन्पणान्दाप्यो नेजकस्तु परांशुकम् ।
विक्रयावक्रयाधानयाचितेषु पणान्दश ॥ ३७५ ॥

यदा प्रमादान्नाशयति । तत्राऽऽह—

मूल्याष्टभागो हीयेत सकृद्धौतस्य वाससः ।
द्विः पादस्त्रिस्तृतीयांशश्चतुर्धौतेऽर्धमेव च ॥ ३७६ ॥
अर्धक्षयात्तु परतः पादांशापचयः क्रमात् ।
यावत्क्षीणदशं जीर्णं जीर्णस्यानियमः स्मृतः ॥ ३७७ ॥
तुलाशासनमानानां कूटकृन्नाणकस्य च ।
एभिश्च व्यवहर्ता यः स दाप्यो दममुत्तमम् ॥ ३७८ ॥
अकूटं कूटकं ब्रूते कूटं यश्चाप्यकूटकम् ।
स नाणकपरीक्षी तु दाप्य उत्तमसाहसम् ॥ ३७९ ॥

तथा—

भिषङ्मिथ्याचरन्दाप्यस्तिर्यक्षु प्रथमं दमम् ।
मानुषे मध्यमं राजपुरुषेषूत्तमं दमम् ॥ ३८० ॥
अवन्ध्यं यश्च बध्नाति बद्धं यश्च प्रमुञ्चति ।
अप्राप्तव्यवहारं च स दाप्यो दममुत्तमम् ॥ ३८१ ॥

राजाज्ञया विनेति वेदितव्यम् ।

मानेन तुलया वाऽपि योंऽशमष्टमकं हरेत् ।
दण्डं स दाप्यो द्विशतं वृद्धौ हानौ च कल्पितम् ॥ ३८२ ॥

तथा ।

भेषजस्नेहलवणगन्धधान्यगुडादिषु ।
पण्येषु प्रक्षिपन्हीनं पणान्दाप्यस्तु षोडश ॥ ३८३ ॥
मृच्चर्ममणिसूत्रायः काष्ठवल्कलवाससाम् ।
अजातौ जातिकरणे विक्रेयाष्टगुणो दमः ॥ ३८४ ॥
संभूय कुर्वतामर्घं सबाधं कारुशिल्पिनाम् ।
अर्घस्य ह्रासं वृद्धिं वा जानतां दम उत्तमः ॥ ३८५ ॥

संभूय वणिजां पण्यमनर्घेणोपरुन्धताम् ।
विक्रीणतां वा विहितो दण्ड उत्तमसाहसः ॥ ३८६ ॥
राजनि स्थाप्यते योऽर्घः प्रत्यहं तेन विक्रयः ।
क्रयो वा निस्रवस्तस्माद्वणिजां लाभकृत्स्मृतः ॥ ३८७ ॥
पञ्चरात्रे पञ्चरात्रे पक्षे मासे तथा गते ।
कुर्वीत चैषां प्रत्यक्षमर्घसंस्थापनं नृपः ॥ ३८८ ॥
स्वदेशपण्ये तु शतं वणिग्गृह्णीत पञ्चकम् ।
दशकं पारदेश्ये तु यः सद्यः क्रयविक्रयी ॥ ३८९ ॥
पण्यस्योपरि संस्थाप्य व्ययं पण्यसमुद्भवम् । [Page 19]
अर्घोऽनुग्रहकृत्कार्यः क्रेतुर्विक्रेतुरेव च ॥ ३९० ॥

गृहादिहरणे मनुः ।

गृहं तडागमारामं क्षेत्रं वा भीषया हरन् ।
शतानि पञ्च दण्डःस्याज्ज्ञानाद्द्विशतो दमः ॥ ३९१ ॥

अथ राजाश्रयापराधरूपे प्रकीर्णकेऽपराधेषु दण्डः । अपराधविशेषेषु दण्डमाह योगीश्वरः । राज्याङ्गेषु स्वाम्यमात्यादिसप्तसु एकस्मिन्नपि यद्द्रोहं तद्वैकल्य-हेतुना नरनि तस्य शीघ्रमेव वधः कार्य इति । तत्स्वरूपमाह नारदः —

प्रकीर्णके पुनर्ज्ञेया व्यवहारान्नृपाश्रयाः ।
राज्ञामाज्ञाप्रतीघातस्तत्कर्मकरणं तथा ॥ ३९२ ॥
पुरप्रदानं संभेदः प्रकृतीनां तथैव च ।
पाखण्डिनैगमश्रेणीगणधर्मविपर्ययाः ॥ ३९३ ॥
पितापुत्रविवादश्च प्रायश्चित्तव्यतिक्रमः ।
प्रतिग्रहविरोधश्च कोप आश्रमिणामपि ॥ ३९४ ॥
वर्णसंकरदोषश्च तद्वृत्तिनियमस्तथा ।
न दृष्टं यच्च पूर्वेषु सर्वं तत्स्यात्प्रकीर्णकम् ॥ ३९५ ॥

इति । यत्र ग्रामादौ विहितभिक्षावृत्तिव्यतिरेकेण भिक्षाप्रदाने दण्डमाह याज्ञ-वल्क्यः ।

अव्रता ह्यनधीयाना यत्र भैक्ष्यचरा द्विजाः ।
तं ग्रामं दण्डयेद्राजा प्रयाहि स० ॥ ३९६ ॥

इति । तथा —

अङ्गेभ्यो यस्त्वथैकोऽपि द्रोहमाचरतेऽल्पधीः ।
वधस्तस्य तु कर्तव्यः शीघ्रमेव महीक्षिता ॥ ३९७ ॥

आधिसीमोपनिक्षेपजडबालधनैर्विना ।
तथोपनिधिराजस्त्रीश्रोत्रियाणां धनैरपि ॥ ३९८ ॥
आध्यादीनां विहर्तारं धनिने दापयेद्धनम् ।
दण्डं च तत्समं राज्ञे शक्त्यपेक्षमथापि वा ॥ ३९९ ॥

राजकृतसंविद्व्यतिक्रमे दण्डमाह मिताक्षराकारः —

राजा कृत्वा पुरे स्थानं ब्राह्मणान्न्यस्य तत्र तु ।
त्रैविद्यं वृत्तिमद्ब्रूयात्स्वधर्मः पाल्यतामिति ॥ ४०० ॥

राजा स्वपुरादौ गृहादि कृत्वा तत्र ब्राह्मणान्स्थापयित्वा तद्ब्राह्मणजातं वेदत्रयभूहिरण्यादिसंपन्नं च कृत्वा श्रुतिस्मृतिविहितस्वधर्मो भवद्भिरनुष्ठीयतामिति ब्राह्मणान्ब्रूयात् । तैश्च यत्कर्तव्यं तदाह —

निजधर्माविरोधेन यस्तु सामयिको भवेत् । [Page 19-a]
सोऽपि यत्नेन संरक्ष्यो धर्मो राजकृतश्च यः ॥ ४०१ ॥

श्रौतस्मार्तकर्मानुपमर्देन समयान्निष्पन्नो यो धर्मो गोप्रचारोदकरक्षणदेवगृहपालनादिरूपस्तथा राज्ञा च कृतः यावत्पथिकं भोजनं देयम् । अस्मदरातिमण्डलं तुरङ्गादयो न प्रस्थापनीया इत्यादि रूपोऽपि । तदतिक्रमे दण्डमाह —

गणद्रव्यं हरेद्यस्तु संविदं लङ्घयेच्च यः ।
सर्वस्वहरणं कृत्वा तं राष्ट्राद्विप्रवासयेत् ॥ ४०२ ॥

गणस्य ग्रामादिजनसमूहस्य साधारणं द्रव्यमपहरति । संविदं जनसमूहकृतां राजकृतां वा लङ्घयति तं सर्वस्वहरणपूर्वकं निष्कासयेत् । अयं च दण्डो अनुबन्धातिशयेन । अनुबन्धाल्पत्वे तु —

यो ग्रामदेशसंघानां कृत्वा सत्येन संविदम् ।
विसंवदेन्नरो लोभात्तं राष्ट्राद्विप्रवासयेत् ॥ ४०३ ॥
निगृह्य दापयेदेनं समयव्यभिचारिणम् ।
चतुः सुवर्णं षण्निष्कं शतमानं च राजतम् ॥ ४०४ ॥

इति मनूक्तो जातिशक्त्याद्यपेक्षया कल्पनीयः ।

कर्तव्यं वचनं सर्वैः समूहहितवादिनाम् ।
यस्तस्य विपरीतः स्यात्सदाप्यः प्रथमं दमम् ॥ ४०५ ॥

क्वचिद्द्यूतकारिणो दण्डमाह —

राज्ञा सचिन्हं निर्वास्याः कूटाक्षोपधिदेविनः ॥ ४०६ ॥

कूटैरक्षादिभिः । मतिवञ्चनहेतुना मणिमन्त्रौषधादिना उपाधिना दीव्यन्ति तान् श्वपदादिनाऽङ्कयित्वा स्वराष्ट्रान्निर्वासयेत् । निर्वासने च विशेषो नारदेनोक्तः—

कूटाक्षदेविनः पापान् राजा राष्ट्राद्विवासयेत् ।
कण्ठेऽक्षमालामासज्य स ह्येषां विनयः स्मृतः ॥ ४०७ ॥
एष एव विधिर्ज्ञेयः प्राणिद्यूते समाह्वये ॥ ४०८ ॥

प्राणिद्यूते कुक्कुटादिक्रीडने । समाह्वये मेषमल्लादौ । बृहस्पतिः ।

प्रच्छाद्य दोषं व्यामिश्र्य पुनः संस्कृत्य विक्रयी ।
पण्यं तद्द्विगुणं दाप्यो वणिग्दण्डं च तत्समम् ॥ ४०९ ॥
अल्पमूल्यं तु संस्कृत्य नयन्ति बहुमूल्यताम् । [Page 20]
स्त्रीबालकान्वञ्चयन्ति दण्ड्यास्तेऽर्थानुसारतः ॥ ४१० ॥
हेमरत्नप्रवालाद्यान्कृत्रिमान्कुर्वते तु ये ।
क्रेतुर्मूल्यं प्रदाप्यास्ते राज्ञा तद्द्विगुणं दमम् ॥ ४११ ॥
अज्ञातौषधमन्त्रस्तु यश्च व्याधेरतत्त्ववित् ।
रोगिभ्योऽर्थं समादत्ते स दण्ड्यश्चौरवद्भिषक् ॥ ४१२ ॥
कूटाक्षवेदिनः क्षुद्रा राजभागहराश्च ये ।
गणका वञ्चकाश्चैव दण्ड्यास्ते कितवाः स्मृताः ॥ ४१३ ॥
अन्यायवादिनः सभ्यास्तथैवोत्को च जीविनः ।
विश्वस्तवञ्चकाश्चैव निर्वास्याः सर्व एव ते ॥ ४१४ ॥

निर्वास्याः मारणीयाः ब्राह्मणादृते ।

ज्योतिर्ज्ञानं तथोत्पातमविदित्वा तु ये नृणाम् ।
श्रावयन्त्यर्थलोभेन विनेयास्ते प्रयत्नतः ॥ ४१५ ॥

दण्ड्याः ।

दण्डाजिनाभियुक्तं हि आत्मानं दर्शयन्ति ये ।
हिंसन्ति छद्मना नृणां वध्यास्ते राजपूरुषैः ॥ ४१६ ॥
मध्यस्था वञ्चयन्त्येकं स्नेहलोभादिना यदा ।
साक्षिणश्चान्यथा ब्रूयुर्दाप्यास्ते द्विगुणं दमम् ॥ ४१७ ॥

इति । अपराधविशेषे दण्डविशेषमाह विष्णुः । कूटशासनकर्तॄंश्च हन्यात् । पटे वा ताम्रपट्टे वेत्यादिनोक्तं राजाज्ञामन्तरेण स्वेच्छाकल्पितं कुर्वन्ति तानमात्यादीन् चकारात्प्रकृतिभेदकादींश्च हन्यात् । यथाऽऽह मनुः—

कूटशासनकर्तॄंश्च प्रकृतीनां च दूषकान् ।
स्त्रीबालब्राह्मणघ्नांश्च हन्याद्द्विट्सेविनस्तथा ॥ ४१८ ॥

विष्णुः । कूटलेख्यकारांश्च हन्यात् । राजशासनातिरिक्तमपि व्यावहारिकं ऋणादिपत्रं कूटं कृत्रिमं कुर्वन्ति तानपि हन्यात् । यथाऽऽह कात्यायनः —

प्रमाणेन तु कूटेन मुद्रया वाऽपि कूटया ।
कार्यं तु साधयेद्यो वै स दण्ड्यो दममुत्तमम् ॥ ४१९ ॥

स्थावरे विषये विशेषमाह स एव —

स्थावरे विक्रयाधाने लेख्यं कूटं करोति यः ।
स सम्यग्भावितः कार्यो जिह्वापाण्यङ्घ्रिवर्जितः ॥ ४२० ॥

[Page 20-a]

इति ।

न्यूनं वाऽभ्यधिकं चापि लिखेद्यो राजशासनम् ।
पारदारिकचौरं वा मुञ्चतो दण्ड उत्तमः ॥ ४२१ ॥
अभक्ष्येण द्विजं दूष्य दण्ड उत्तमसाहसम् ।
मध्यमं क्षत्रियं वैश्यं प्रथमं शूद्रमर्धकम् ॥ ४२२ ॥

किं च ।

कूटस्वर्णव्यवहारी विमांसस्य च विक्रयी ॥ ४२३ ॥

युद्धकार्ये नियुक्तो यः संग्रामात्पलायनं करोति तस्य दण्डमाह मत्स्यः —

त्यागेन यः सहायानां स्वप्राणांस्त्रातुमिच्छति ।
निहन्युः काष्ठलोष्टैर्वा दहेयुर्वा कटाग्निना ॥ ४२४ ॥

इति नीतिसारोक्तेः ।

त्र्यङ्गहीनश्च कर्तव्यो दाप्यश्चोत्तमसाहसम् ॥ ४२५ ॥

त्रिशब्दान्नासाकर्णकरैस्त्रिभिर्हीनः कार्यः । किं च —

सर्वकण्टकपापिष्ठं हेमकारं तु पार्थिवः ।
प्रवर्तमानमन्याये छेदयेल्लवशः क्षुरैः ॥ ४२६ ॥

इति । तद्देवब्राह्मणराजस्वर्णविषयम् । विषयविशेषे स एवाऽऽह —

चतुष्पादकृतो दोषो नापेहीति प्रजल्पतः ।
काष्ठलोष्टेषु पाषाण बाहुयुग्यकृतस्तथा ॥ ४२७ ॥

किं च ।

छिन्ननस्येन यानेन तथा भग्नयुगादिना ।
पश्चाच्चैवापसरता हिंसने स्वाम्यदोषभाक् ॥ ४२८ ॥

उपेक्षायां स्वामिनो दण्डमाह ।

शक्तोऽप्यमोक्षयन्स्वामी दंष्ट्रिणां शृङ्गिणां तथा ।
प्रथमं साहसं दद्याद्विक्रुष्टे द्विगुणं तथा ॥ ४२९ ॥

किं च ।

जारं चौरेत्यभिवदन्दाप्यः पञ्चशतं दमम् ।
उपजीव्य धनं मुञ्चंस्तदेवाष्टगुणीकृतम् ॥ ४३० ॥

विष्णुः । ये चाकुलीना राज्यमभिकामयेयुस्तान्हन्यात् । अकुलीना अराजबीजिनः । चकाराद्राजक्रीडाद्यनुकर्तश्च । यथाऽऽह कात्यायनः ।

राजक्रीडासु ये सक्ता राजवृत्त्युपजीविनः ।
अप्रियं चास्य कर्तारो वधं तेषां प्रकल्पयेत् ॥ ४३१ ॥

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इति । विष्णुः । सेतुभेदकांश्च । सेतुर्जलप्रवाहबन्धः । यथाऽऽह मनुः ।

तडागभेदकं हन्यादप्सु शुद्धवधेन वा ।
यद्वापि प्रतिसंस्कुर्याद्दाप्यस्तूत्तमसाहसम् ॥ ४३२ ॥

इति । तडागसेतुभेदकस्त्रीविषये पूर्वमुक्तम् । किं च ।

राज्ञोऽनिष्टप्रवक्तारं तस्यैवाऽऽक्रोशकारकम् ।
तन्मन्त्रस्य प्रभेत्तारं जिह्वां छित्त्वा प्रवासयेत् ॥ ४३३ ॥

नारदोऽपि ।

अवकृश्य च राजानं वर्त्मनि स्वे व्यवस्थितम् ।
जिह्वाच्छेदाद्भवेच्छुद्धिः सर्वस्वहरणेन च ॥ ४३४ ॥

इति । किं च —

राज्ञः कोशापहर्तॄंश्च प्रतिकूलेषु च स्थितान् ।
घातयेद्विविधैर्दण्डैररीणां चोपजापकान् ॥ ४३५ ॥

किं च ।

मृताङ्गलग्नविक्रेतुर्गुरोस्ताडयितुस्तथा ।
राजयानासनारोढुर्दण्ड उत्तमसाहसः ॥ ४३६ ॥

इदं च राजाज्ञाविनेति ज्ञेयम् । नारदः —

राजनि प्रहरेद्यस्तु कृतागस्यापि दुर्मतिः ।
शूले तमग्नौ विपचेद्ब्रह्महत्या शताधिकम् ॥ ४३७ ॥

विष्णुना विशेषो दर्शितः। तादृशमेव वा कुर्यात्। तादृशं नेत्रद्वयरहितं वा कुर्यात्। कारयेदित्यर्थः। अत्र शूलारोहणाग्निदाहयोर्विकल्पः। किं च —

द्विनेत्रभेदिनो राजद्विष्टादेशकृतस्तथा।
विप्रत्वेन तु शूद्रस्य जीवतोऽष्टशतो दमः॥ ४३८॥

क्रोधादिना परस्परं नेत्रभेत्ता। यश्च विनाशास्त्रं राज्ञोऽनिष्टप्रयो(व)क्ता। यः शूद्रो भोजनार्थं ब्राह्मणचिन्हं धारयति। एतेऽष्टशतपणान्दण्डनीयाः। श्राद्धभोजनार्थं शूद्रस्य ब्राह्मणवेषधारणे तु तप्तशलाकया यज्ञोपवीतवद्विलिखेदिति स्मृत्युक्तो विशेषो ज्ञेयः। अत्र विष्णुना विशेषो विहितः। उभयनेत्रभेदिनं राजा यावज्जीवं बन्धनान्न विमुञ्चेत्। उभयोरपि नेत्रयोर्भेदं करोति तं यावज्जीवं बन्धनागारान्न बहिःकुर्यात्। [Page 21-a] राजानुवृत्तौ पुनः त्रे नेत्रद्वयरहितं कुर्यात्। गौतमः। अथाङ्गानि। स्वाम्यमात्यदुर्गकोशदण्डराष्ट्रमित्राणि प्रकृतयः। तद्दूषकांश्च हन्यादिति। तथा च मात्स्ये —

अङ्गेभ्यो यस्त्वथैकोऽपि द्रोहमाचरतेऽल्पधीः।
वधस्तस्य तु कर्तव्यः शीघ्रमेव महीक्षिता॥ ४३९॥

अयथार्थव्यवहारकरणे याहुः।

दुष्टदृष्टांस्तु पुनर्दृष्ट्वा व्यवहारान्नृपेण तु।
सभ्याः सजयिनो दण्ड्या विवादाद्द्विगुणं दमम्॥ ४४०॥

इति। नारदः।

अन्वाहितं याचितकमाधिः साधारणं च यत्।
निक्षेपपुत्रदारांश्च सर्वस्वं चान्वये सति॥ ४४१॥
अदेयान्याहुराचार्या यच्चान्यस्मै प्रतिश्रुतम्॥ ४४२॥

इत्यदेयदाने।

अदेयं यश्च गृह्णाति यश्चादेयं प्रयच्छति।
तावुभौ चौरवच्छास्यौ दाप्यौ चोत्तमसाहसम्॥ ४४३॥

नारदोऽपि —

गृह्णात्यदत्तं यो लोभाद्यश्चादेयं प्रयच्छति।
अदेयदायको दण्ड्यस्तथा दत्तप्रतीच्छकः॥ ४४४॥

कात्यायनः —

स्वेच्छया यः प्रतिश्रुत्य ब्राह्मणाय प्रतिग्रहम्।
न दद्याद्दणवद्दाप्यः प्राप्नुयात्पूर्वसाहसम्॥ ४४५॥

गौतमेन चास्यापवाद उक्तः। प्रतिश्रुत्याप्यधर्मसंयुक्ताय न दद्यादिति। परिव्राजकस्य परिव्रज्यात्यागे कात्यायनः—

प्रव्रज्यावसिता यत्र त्रयो वर्णा द्विजातयः।
निर्वासं कारयेद्विप्रं दासत्वं क्षत्रवैश्ययोः॥ ४४६॥

याज्ञवल्क्योऽपि—

प्रव्रज्यावसितो राज्ञो दासस्त्वामरणान्तिकम्॥ ४४७॥

निर्वासनप्रकारमाहतुर्दक्षनारदौ—

पारिव्राज्यं गृहीत्वा तु यः स्वधर्मे न तिष्ठति।
श्वपदेनाङ्कयित्वा तु राजा शीघ्रं प्रवासयेत्॥ ४४८॥

ब्राह्मण्या विक्रये दासीकरणे च दण्डमाह कात्यायनः—

आदद्याद्ब्राह्मणीं यस्तु विक्रीणीयात्तथैव च।
राज्ञा तदकृतं कार्यं दण्ड्याः स्युः सर्व एव ते॥ ४४९॥
कामात्तु संश्रितां यस्तु कुर्याद्दासीं कुलस्त्रियम्।
संक्रामयेत वाऽन्यत्र दण्ड्यस्तच्चाकृतं भवेत्॥ ४५०॥

विष्णुरपि। यस्तूत्तमवर्णं दास्ये नियोजयति तस्योत्तमसाहसो दण्डः। [Page 22]
स धनस्याद्दुष्टदासीविक्रयेदण्डमाह कात्यायनः—

विक्रोशमानां यो भक्तां दासीं विक्रेतुमिच्छति।
अनापदिस्थः शक्तः सन्प्राप्नुयात्पूर्वसाहसम्॥ ४५१॥

सेवकस्याकाले सेवात्यागे दण्डमाह विष्णुः। स्वामिनं भृतकश्चापूर्णकाले त्यजन् सकलमेवं मूल्यं जह्यात्। राज्ञे च पणशतं दद्यादिति। परसस्यादिभक्षणे पशुस्वामिनः पशुरक्षकस्य च दण्डमाह याज्ञवल्क्यः—

माषानष्टौ तु महिषी सस्यघातस्य कारिणी।
दण्डनीया तदर्धं तु गौस्तदर्धमजाविकम्॥ ४५२॥
भक्षयित्वोपविष्टानां यथोक्ताद्द्विगुणो दमः।
सममेषां विवीतेऽपि खरोष्ट्रं महिषीसमम्॥ ४५३॥
यावत्सस्यं विनश्येत्तु तावत्स्यात्क्षेत्रिणः फलम्।
गोपस्ताड्यस्तु गोमी तु पूर्वोक्तं दण्डमर्हति॥ ४५४॥

विवीतं तृणकाष्ठादिसंग्रहस्थानम्। एतदपवादमाहोशना—

अदण्ड्याश्चोत्सवे गावः श्राद्धकाले तथैव च॥ ४५५॥

व्यासः—

आक्रम्य च द्विजैर्भुक्तं परिक्षीणैश्च बान्धवैः ।
गोभिश्च नरशार्दूल वाजपेयाद्विशिष्यते ॥ ४५६ ॥

उशना —

गोभिर्विनाशितं धान्यं यो नरः प्रतियाचते ।
पितरस्तस्य नाश्नन्ति नाश्नन्ति त्रिदिवौकसः ॥ ४५७ ॥

ग्रामादिसीमाया विपरीतनयने दण्डमाह मनुः—

यथोक्तेन नयन्तस्ते पूयन्ते सत्यसाक्षिणः ।
विपरीतं नयन्तस्ते दाप्यास्तु द्विशतं दमम् ॥ ४५८ ॥

नारदोऽपि —

अथ चेदन्यथा ब्रूयुः सामन्ताः सीमनिर्णये ।
सर्वे पृथक्पृथग्दण्ड्या राज्ञा मध्यमसाहसम् ॥ ४५९ ॥

कात्यायनोऽपि—

बहूनां तु गृहीतानां न सर्वे निर्णयं यदि । [Page 22-a]
कुर्युर्भयाद्वा लोभाद्वा दाप्यास्तूत्तमसाहसम् ॥ ४६० ॥

गवाक्षद्वारमार्गादिरोधे दण्डमाह कात्यायनः—

मेखलाभ्रमनिष्कासगवाक्षान्नोपरोधयेत् ।
प्रणालीं गृहवास्तुं च पीडयन्दण्डभाग्भवेत् ॥ ४६१ ॥

बृहस्पतिः—

वर्चःस्थानं वह्निचयं गर्तोच्छिष्टाम्बुसेचनम् ।
अत्यारात्परकुड्यस्य न कर्तव्यं कथंचन ॥ ४६२ ॥

वर्चःस्थानं शौचस्थलम् । अत्यारादतिसमीपे । कात्यायनः —

विण्मूत्रोदकसेकं च वह्निश्वभ्रनिवेशनम् ।
अरत्निद्वयमुत्सृज्य परकुड्यान्निवेशयेत् ॥ ४६३ ॥

नारदः—

अवस्करस्थलश्वभ्रस्पन्दनिकादिभिः ।
चतुष्पथसुरस्थान राजमार्गान्न रोधयेत् ॥ ४६४ ॥

कात्यायनः—

सर्वे जनाः सदा येन प्रयान्ति स चतुष्पथः ।
अनिषिद्धा यथाकालं राजमार्गः स उच्यते ॥ ४६५ ॥

बृहस्पतिः—

यस्तत्र संकरं श्वभ्रं वृक्षारोपणमेव च ।
कामात्पुरीषं कुर्याच्च तस्य दण्डस्तुमाषकः ॥ ४६६ ॥

मनुरपि —

समुत्सृजेद्राजमार्गे यस्त्वमेध्यमनापदि ।
स द्वौ कार्षापणौ दद्यादमेध्यं चाऽऽशु शोधयेत् ॥ ४६७ ॥

तडागोद्यानाद्युपघाते कात्यायनः—

तडागोद्यानतीर्थानि योऽमध्येन विनाशयेत् ।
अमेध्यं शोधयित्वा तु दण्डयेत्पूर्वसाहसम् ॥ ४६८ ॥

विष्णुः । स्त्रियमशक्तभर्तृकां तदतिक्रमणीं च हन्यात् । भरणादिसमर्थोऽप्यशक्तो निरोद्धुमन्यायेभ्यो भर्ता यस्तं भर्तारं परपुरुषलंपटतया तदतिक्रमकारिणीम् । तथाऽऽह मनुः—

भर्तारं लङ्घयेद्या तु स्त्री ज्ञातिबलदर्पिता ।
तां श्वभिः खादयेद्राजा संस्थाने बहु संस्थिते ॥ ४६९ ॥

[Page 23]

इति । दोषमनुक्त्वा कन्यादातुर्दण्डमाह विष्णुः । दोषमनाख्याय कन्यां प्रयच्छंश्च कार्षापणशतम् । दीर्घकुत्सितरोगे तु नारदः—

यस्तु दोषवतीं कन्यामनाख्याय प्रयच्छति ।
तस्य कुर्यान्नृपो दण्डं पूर्वसाहसचोदितम् ॥ ४७० ॥

संसृष्टमैथुनादिदोषे तु योगीश्वरः—

अनाख्याय ददद्दोषं दण्ड उत्तमसाहसः ॥ ४७१ ॥

दानार्थं प्रदर्शितायामुत्तमकन्यायां दानकाले सदोषामन्यां कन्यां प्रयच्छति तस्य दण्डमाह मात्स्ये—

यः कन्यां दर्शयित्वाऽन्यां दुःकन्यां संप्रयच्छति ।
उत्तमं तस्य कुर्वीत राजा दण्डं तु साहसम् ॥ ४७२ ॥

इति । विष्णुः । अदुष्टां दुष्टमिति ब्रुवतस्तूत्तमसाहसैः । राजाज्ञातिक्रमणे दण्डमाह कात्यायनः ।

आहूतस्त्ववमन्येत यः शक्तो राजशासनम् ।
तस्य कुर्यान्नृपो दण्डं विधिदृष्टेन कर्मणा ॥ ४७३ ॥

हीने कर्मणि पञ्चाशन्मध्यमे तु शतावरः ।
उत्तमे तु सहस्रं स्याद्० ॥ ४७४ ॥

इति । राजाज्ञायाः क्वचिदपवादमाह नारदः ।

निवेष्टुकामो रोगार्तो यियक्षुर्व्यसने स्थितः ।
अभियुक्तस्तथाऽन्येन राजकार्योद्यतस्तथा ॥ ४७५ ॥
गवां प्रचारे गोपालाः सस्यावापे कृषीवलाः ।
शिल्पिनश्चापि तत्काल आयुधीयाश्च विग्रहे ॥ ४७६ ॥
अप्राप्तव्यवहारश्च दूतो देयोन्मुखो व्रती ।
विषमस्थश्च नासेध्या नचैनानाह्वयेन्नृपः ॥ ४७७ ॥

तथा ।

न हीनपक्षां युवतिं कुले जातां प्रसूतिकाम् ।
सर्ववर्णोत्तमां कन्यां ता ज्ञातिप्रभुकाः स्मृताः ॥ ४७८ ॥

इति । आसेधो राजाज्ञया प्रतिबन्धः । निवेष्टुकामो विवाहोन्मुखः । मिताक्षरायामपि — [Page 23-a

अकल्पबालस्थविरविषमस्थक्रियाकुलान् ।
कार्यातिपातिव्यसनिनृपकार्योत्सवाकुलान् ॥ ४७९ ॥
मत्तोन्मत्तप्रमत्तार्तान्भृत्यान्नाऽऽह्वानयेन्नृपः ॥ ४८० ॥

इति । आह्वाननिषेधेन राजाज्ञाद्यतिक्रमणे न दोषः । व्यसनादिनिवृत्तौ पुनर्दोषोऽवगन्तव्यः । याज्ञवल्क्योऽपि —

नदीसंतारकान्तारदुर्देशोपप्लवादिषु ।
आसिद्धस्तं परासेधं व्युत्क्रमन्नापराध्नुयात् ॥ ४८१ ॥

इति । विष्णुः — येषां देयः पन्थास्तेषां पथोऽदायी कार्षापणाविंशतिं दण्ड्यः । याज्ञवल्क्येन —

वृद्धभारिनृपस्नातस्त्रीरोगिवरवर्णिनाम् ॥ ४८२ ॥

पन्था देय इत्युक्तं तेषां पथोऽदायी विंशतिपणान्दण्ड्यः । विष्णुः । आसनार्हस्याऽऽसनमददच्च । पूजार्हमपूजयंश्च । चकारादुक्तौ प्रतिवदंश्च । अभिवादितो नाभिवादयंश्च प्रातिवेश्य ब्राह्मणानिमन्त्रणातिक्रमणे च पञ्चविंशतिपणात्मको दण्डः । इदं च प्रामादिके । बुद्धिपूर्वके तु सुवर्णमाषकम् । यथाऽऽह मनुः —

प्रातिवेश्यानुवेश्यौ च कल्याणे विंशतिर्द्विजे ।
अर्हावभोजयान्विप्रो दण्डमर्हति माषकम् ॥ ४८३ ॥

अयं च दण्डो भोज्यदानानन्तरम्। योगीश्वरोऽपि —

तारिकः स्थलजं शुल्कं गृह्णन्दाप्यः पणान्दश।
ब्राह्मणः प्रातिवेश्यानामेतदेवानिमन्त्रणे॥ ४८४॥

इति। चकाराद्दानातिक्रमणे यथाऽऽह कात्यायनः —

संनिकृष्टमधीयानं ब्राह्मणं यो व्यतिक्रमेत्।
यद्ददाति तमुल्लङ्घ्य तस्य स्तेयेन लिप्यते॥ ४८५॥

अधीयानत्वविशेषणान्मूर्खातिक्रमणे न दोष इत्याह स एव।

यस्य त्वेकगृहे मूर्खो दूरे चार्थ्यगुणान्वितः।
गुणान्विताय दातव्यं नास्ति मूर्खे व्यतिक्रमः॥ ४८६॥

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विष्णुः — निमन्त्रयित्वा भोजनमदायिनश्च। योग्यं ब्राह्मणं निमंन्त्र्य अभोजयंश्च विंशति कार्षापणान्दण्ड्यः। चकाराद्द्विगुणभोजनं दाप्यः। प्रामादिके चेदम् बुद्धिपूर्वे मनुराह —

श्रोत्रियः श्रोत्रियं साधुं भूतिकृत्येष्वभोजयन्।
तदन्नं द्विगुणं दाप्यो हिरण्यं चैव माषकम्॥ ४८७॥

इति। हिरण्यमाषकं दण्ड इत्यर्थः। विष्णुः। निमन्त्रितस्तथेत्युक्त्वा चाभुञ्जानः सुवर्णमाषकम्। निमन्त्रित इत्येकत्वनिर्देशादेकब्राह्मणप्रयोजने बोध्यम्। बहुषु निमन्त्रितेषु एकस्याभोजने दण्डान्तरं कल्प्यम्। इदं च अत्यक्तपरान्नभोजन-विषयम्। मात्स्ये यथा —

आमन्त्रितस्तु यो विप्रो वर्तमानः प्रतिग्रहे।
निष्कारणं न गच्छेत्तु स दाप्योऽष्टशतं दमम्॥ ४८८॥

इति। निष्कारणपदात्पातित्यादि दोषाभावो गम्यते। पातित्यादिदोषे तु न दोषः। चकारात्प्रतिग्रहं स्वीकृत्याप्रतिग्राही च। विष्णुः — जात्यपहारिणा लसुनादिना प्रच्छन्नभोजितेन ब्राह्मणस्य जातिमपहरति स शतं सुवर्णान्दण्ड्यः। सुरया पैष्ट्याद्यन्यतमया जातिमपहरति स वध्यः ब्राह्मणव्यतिरिक्तश्चेत्। स तु कृताङ्को निर्वास्य एव। क्षत्रियं दूषयितुस्तदर्धम्। वैश्यं दूषयितुस्तदर्धमिति। शूद्रं दूषयितुः प्रथमसाहसम्। स्वस्य शास्त्रीयज्ञानाभावे धर्मानुष्ठानकर्तुर्दण्डमाह प्रतिष्ठाहेमाद्रौ मनुः —

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कर्मानुष्ठानभूयस्त्वात्फलभूयस्त्वदर्शनात्।
केवलं शास्त्रमाश्रित्य प्रतिष्ठाकर्मनार्हति॥ ४८९॥

अज्ञानादथवा लोभादल्पज्ञः कर्तुमिच्छति ।
प्रतिष्ठाकर्मदेवानां नियन्तव्यः स राजभिः ॥ ४९० ॥
राज्ञा धर्मप्रवृत्तेन धर्मवृद्धिमभीप्सता ।
स्वराष्ट्रे सर्वकर्माणि सम्यक्कार्याणि शास्त्रतः ॥ ४९१ ॥
अमन्त्रज्ञा हि बहवः कर्तुमिच्छन्ति सर्वदा ।
तेषां तु निग्रहः कार्यो राष्ट्रभङ्गभयान्नृपैः ॥ ४९२ ॥
न्यासहोमविधिं सम्यक् न जानाति द्विजाधमः ।
आचार्यो न स मन्तव्यो निग्राह्यस्तस्करो यथा ॥ ४९३ ॥
अन्नहीनो दहेद्राष्ट्रं मन्त्रहीनस्तु ऋत्विजः ।
दक्षिणाहीनो यजमान्‌ प्रतिष्ठासमो रिपुः ॥ ४९४ ॥

इत्युक्तेः । अभिचारिककर्मकरणे दण्डः कालिकापुराणे —

अभिचारिकमत्यर्थं कुर्वाणं तु विघातयेत् ।
प्रवासयेद्ब्राह्मणं तु पार्थिवाश्चाऽऽभिचारिकम् ॥ ४९५ ॥

सेवकस्य सेवाऽकरणे दण्डः । मात्स्ये —

भृत्यो राज्ञां न कुर्याद्यो दर्पात्कर्म यथोदितम् ।
स दण्ड्यः कृष्णलान्यष्टौ न देयं चास्य वेतनम् ॥ ४९६ ॥

इति । छत्रदेवताप्रतिमादिभेदने दण्डमाह मात्स्ये । मनुः —

छत्रस्य ध्वजयष्टीनां प्रतिमानां च भेदकाः ।
प्रतिकुर्युश्च तत्सर्वं दण्डः पञ्चशतानि च ॥ ४९७ ॥

छत्रप्रतिमादि सम्यक्कृत्वा दण्डं च दद्यादिति । प्राकारादिभेदने दण्डमाह मात्स्ये —

प्राकारस्य च भेत्तारं परिखानां च पूरकम् ।
द्वाराणां चैव भेत्तारं क्षिप्रं निर्वासयेत्पुरात् ॥ ४९८ ॥

कूटसाक्षिणो दण्डमाह याज्ञवल्क्यः —

पृथक्पृथग्दण्डनीयाः कूटकृत्साक्षिणस्तथा । [Page 25]
विवादाद्द्विगुणं दण्ड्या विवास्यो ब्राह्मणः स्मृतः ॥ ४९९ ॥

अथ महापातकेषु दण्डमाह । विष्णुः । अथ महापातकिनो ब्राह्मणवर्जं सर्वे वध्याः । वधोऽत्र प्राणवियोगानुकूलव्यापारः । इदं च प्रायश्चित्ताकरणे ।

चतुर्णामपि चैतेषां प्रायश्चित्तमकुर्वताम् ।
शरीरं धनसंयुक्तं दण्डं धर्म्यं प्रकल्पयेत् ॥ ५०० ॥

इति मानवात् । एतेषां वधः सर्वस्वापहारश्च । ब्राह्मणस्य पुनः सर्वस्वापहार एव न वधः ।

महापातकयुक्तो हि न विप्रो वधमर्हति ॥ ५०१ ॥

इति बृहस्पतिस्मरणात् । इदं च कामतो महापातकेषु ज्ञेयम् । अकामतस्तु मनुराह —

इतरे कृतवन्तस्तु पापान्येतान्यकामतः ।
सर्वस्वहारमर्हन्ति सकामास्तु प्रवासनम् ॥ ५०२ ॥

इति । इतरे विप्रातिरिक्ताः । प्रवासनं वधः । ब्राह्मणवर्जमित्यत्र हेतुमाह विष्णुः । न शारीरो ब्राह्मणस्य दण्डः ।

न त्वङ्गभेदं विप्रस्य प्रवदन्ति मनीषिणः ॥ ५०३ ॥

इति हारितस्मरणात् । कथं तर्हि महापातकेऽस्य दण्ड इत्यत आह विष्णुः । स्वदेशाद्ब्राह्मणं कृताङ्कं विवासयेत् । यथाऽऽह बौधायनः । तप्तायसेन ललाटेऽङ्कयित्वा विषयान्निर्वासनमिति । अङ्कनप्रकारपूर्वमुक्तः । इदमपि प्रायश्चित्ताकरणे यथाऽऽह मनुः —

प्रायश्चित्तं तु कुर्वाणास्त्रयो वर्णा यथोदितम् । [Page 25-a]
नाङ्क्या राज्ञा ललाटे स्युर्दाप्यास्तूत्तमसाहसम् ॥ ५०४ ॥

इति । अत्र क्षात्रियादीनामङ्ककरणं विप्रसमानधर्मकसवनस्थक्षात्रियादिविषयम् । इतरेषां तु वधविधानादङ्कननिषेधः । यथा चाऽऽहोशना —

ब्राह्मणस्यापराधेषु चतुर्ष्वङ्को विधीयते ।
इतरेषां तु वर्णानामङ्कनं नात्र कारयेत् ॥ ५०५ ॥
महापातकयुक्तांश्च वधदण्डेन शातयेत् ॥ ५०६ ॥

इति । एतदपि कामतो महापातकेन । अकामतस्तु मनुः —

आगःसु ब्राह्मणस्यैषु कार्यो मध्यमसाहसः ।
विवास्यो वा भवेद्राज्यात्सद्रव्यः सपरिच्छदः ॥ ५०७ ॥

इति । आगःसु महापातकेषु । अपराधान्तरे ब्राह्मणस्य कथमित्यत आह विष्णुः । अन्यत्रापि वधाकर्मणि तिष्ठन्तं समग्रधनमक्षतं विवासयेत् । अन्यत्र वधाकर्मणि कूटशासनकरणादौ । यथाऽऽह मनुः —

न जातु ब्राह्मणं हन्यात्सर्वपापेष्ववस्थितम् ।
राष्ट्रादेनं बहिःकुर्यात्समग्रधनमक्षतम् ॥ ५०८ ॥

इति । बहिष्कारप्रकारः पूर्वमुक्तः । अथ ब्राह्मणवधे मदनरत्ने भविष्ये—

अकामतो यदा हन्यान्मानवो ब्राह्मणान्बहून् ।
चरेद्व्रतं वने घोरे यावत्प्राणपरिक्षयः ॥ ५०९ ॥

कामतश्चतुरादिवधे तत्रैवोक्तम् ।

कामतस्तु यदा हन्याद्ब्राह्मणान् सुरसत्तम ।
तदात्मानं दहेदग्नौ विधिना येन तच्छृणु ॥ ५१० ॥
भूत्वा निष्कालको वीर वेष्टयित्वा तु वाससा । [Page 26]
घृताक्तेन महाबाहो कृत्वा सर्वस्वमेव हि ॥ ५११ ॥
हित्वा पादौ करीषाग्नौ दहेदात्मानमाशिखम् ॥ ५१२ ॥

निष्कालकः कृतसर्वाङ्गवपनः । कामतः पित्रादिवधे सत्रस्थवधे चैवम् ।

यागस्थक्षत्रविड्घाती ब्रह्महत्या व्रतं चरेत् ॥ ५१३ ॥

इति याज्ञवल्क्योक्तेः । मनुरपि—

लक्ष्यं शस्त्रभृतां वा स्याद्विदुषामिच्छयाऽऽत्मनः ।
प्रास्येदात्मानमग्नौ वा समिद्धे त्रिरवाक्शिराः ॥ ५१४ ॥

लक्ष्यभूतो मृतो जीवन्वा शुध्येत् । तदाह याज्ञवल्क्यः—

मृतकल्पः प्रहारार्तो जीवन्नापि विशुध्यति ॥ ५१५ ॥
प्राणान्तिकं तु यत्प्रोक्तं प्रायश्चित्तं मनीषिभिः ।
तत्कामकारविषयं विज्ञेयं नात्र संशयः ॥ ५१६ ॥

इति मध्यमाङ्गिरसोक्तेः । यमोऽपि—

यः कामतो महापापं नरः कुर्यात्कथंचन ।
न तस्य शुद्धिर्निर्दिष्टा भृग्वग्निपतनादृते ॥ ५१७ ॥

इदं क्षत्रियादेर्न विप्रस्य प्रायश्चित्तविधानं च विप्राणां मरणान्तिकमिति कलौ निषेधात् । पित्रादिवधे त्वापस्तम्बः । पितृमातृभ्रूणहननं ब्राह्मण्या गार्भिण्या वधश्च ब्रह्महत्यायां तीव्रतमानि । एतदेव गुरुत्वा श्रोत्रियं वा कर्मसंपन्नमेतेनैव विधिनोत्तमादुच्छ्वासाच्चरेदिति । उच्छ्वासो मरणम् । मदनरत्ने भविष्ये—

मातरं पितरं हत्वा सोदरं भ्रातरं तथा ।
गुरुं हत्वा श्रोत्रियं वा आहिताग्निमथापि वा ॥ ५१८ ॥
अनेन विधिना पापी कीर्तयेत्पापमात्मनः ।
व्रतं चरेदोत्तमात्तु उच्छ्वासान्नियतव्रतः ॥ ५१९ ॥

इदं सर्ववर्णपरम्। याज्ञवल्क्योऽपि —

लोमभ्यः स्वाहेत्येवं हि लोमप्रभृति वै तनुं। [Page 26-a]
मज्जान्तां जुहुयाद्वापि मन्त्रैरेतैर्यथाक्रमम् ॥ ५२० ॥

इति। गर्भवधे याज्ञवल्क्यः —

गर्भहा च यथावर्णं तथाऽऽत्रेयीनिषूदकः ॥ ५२१ ॥

इति। ब्रह्मघातकानाह पैठीनसिः —

हन्ता मन्त्रोपदेष्टा च तथा संप्रतिपादकः।
प्रोत्साहकः सहायश्च तथा मार्गोपदेशकः ॥ ५२२ ॥
आश्रयः शस्त्रदाता च भक्तदाता विकर्मिणाम्।
उपेक्षकः शक्तिमांश्चेद्दोषवक्ताऽनुमोदकः ॥ ५२३ ॥
अकार्यकारिणस्तेषां प्रायश्चित्तं प्रकल्पयेत्।
यथाशक्त्यनुरूपं च दण्डं तेषां प्रकल्पयेत् ॥ ५२४ ॥

मनुरपि —

बहूनामेककार्याणां सर्वेषां शस्त्रधारिणाम्।
यद्येको घातयेत्तत्र सर्वे ते घातकाः स्मृताः ॥ ५२५ ॥

अत एव मनुना अनुग्राहकस्य हिंसाफलसंबन्धो दर्शितः। तथा प्रयोजकादीनामप्यापस्तम्बेन फलसंबन्ध उक्तः। प्रयोजयिताऽनुमन्ता कर्ता चेति स्वर्गनरकफलेषु कर्मसु भागिनो यो भूय आरभेत तस्मिन्फलविशेष इति। तत्राप्रवृत्तस्य प्रवर्तकः प्रयोजकः। स त्रिविधः। आज्ञापयिता अभ्यर्थयमान उपदेष्टेति। आज्ञापयिता स्वामी। अभ्यर्थयिता स्वयमशक्तः सन् प्रार्थनादिना मच्छत्रुं व्यापादयेत्युच्चं प्रवर्तयति सः। उपदेष्टा तु त्वं स्वशत्रुमित्थं व्यापादयेति मर्मोद्घाटनाद्युपदेशपुरःसरं प्रेरयति सः। अनुमन्ता तु प्रवृत्तस्य प्रवर्तकः। स द्विविधः। कश्चित्स्वार्थं कश्चित्परार्थमनुजानाति सः। विष्णुः।

आक्रुष्टस्ताडितो वाऽपि धनैर्वा विप्रयोजितः। [Page 27]
यमुद्दिश्य त्यजेत्प्राणांस्तमाहुर्ब्रह्मघातिनम् ॥ ५२६ ॥

इति विष्णूक्तेः। तथा —

ज्ञातिपुत्रकलत्रार्थं सुहृत्क्षेत्रार्थमेव च ॥ ५२७ ॥

अर्धं तदेव। सुमन्तुरपि —

तिरस्कृतो यदा विप्रो हत्वाऽऽत्मानं मृतो यदि।
निर्गुणः सहसा क्रोधाद्गृहक्षेत्रादिकारणात् ॥ ५२८ ॥

त्रिवार्षिकं व्रतं कुर्यात्प्रतिलोमां सरस्वतीम् ।
गच्छेद्वाऽपि विशुध्यर्थं तत्पापस्येति निश्चितम् ॥ ५२९ ॥

एतद्विषये प्रायश्चित्तलाघवाद्दण्डलाघवं कल्प्यमिति योगीश्वरः । अस्यापवादः । यथाऽऽह विष्णुः—

उद्दिश्य कुपितो हत्वा तोषितः श्रावयेत्पुनः ।
तस्मिन्मृते न दोषोऽस्ति द्वयोरुच्छ्रावणे कृते ॥ ५३० ॥

आक्रोशकेन धनदानेन तोषितः। जनसमक्षं उच्चैः श्रावयति नाऽक्रोशकस्यापराध इति तत्र वचनान्न दोषः। किं च।

अकारणं तु यः किंचिद्विजः प्राणान्परित्यजेत् ।
तस्यैव हि स दोषः स्यान्न तु यं परिकीर्तयेत् ॥ ५३१ ॥

इति सुमन्तुस्मरणात्। हिंसा सहायादिषु प्रायश्चित्ततारतम्यं कल्पनीयम्। साक्षाद्धन्तुर्मरणान्तिकप्रायश्चित्तमेव दण्ड इति सर्वनिबन्धाः । ब्रह्महत्यासमान्याह । याज्ञवल्क्यः—

गुरूणामभ्यधिक्षेपो वेदनिन्दा सुहृद्वधः ।
ब्रह्महत्यासमं ज्ञेयमधीतस्य च नाशनम् ॥ ५३२ ॥

गुरूणामधिक्षेपः अनृताभिशंसनम् । गुरोरनृताभिशंसनं महापातकसममिति गौतमस्मरणात्। वेदनिन्दा। [Page 27-a] नास्तिक्याभिनिवेशेन वेदकुत्सनम्। सुहृदो मित्रस्याब्राह्मणस्यापि वधः। अधीतवेदस्य असच्छास्त्रविनोदेन नाशनं विस्मरणम्। एतानि प्रत्येकं ब्रह्महत्यासमानि। बृहद्विष्णुः। गयास्थक्षत्रियवैश्यवधः। रजस्वलायाश्चान्तर्वत्न्याश्चात्रिगोत्रायाश्चाविज्ञातस्य गर्भस्य शरणागतस्य च घातनं ब्रह्महत्यासमानि। एतद्विषये प्रायश्चित्तानुसारेण दण्डानुसरणं कार्यमिति। बालवृद्धादीनां साक्षाद्ब्रह्महन्तृत्वेऽपि प्रायश्चित्ताल्पत्वेन दण्डाल्पत्वमपि बोध्यम्। यथाऽऽहाङ्गिराः—

अशीतिर्यस्य वर्षाणि बालो वाऽप्यूनषोडशः ।
प्रायश्चित्तार्धमर्हन्ति स्त्रियो रोगिण एव च ॥ ५३३ ॥

इति। तथा—

अर्वाक् द्वादशाद्वर्षादशीतेरूर्ध्वमेव च ।
अर्धमेव भवेत्पुंसां तुरीयं तत्र योषिताम् ॥ ५३४ ॥

इति। तथा। अनुपनीतस्यापि बालस्य पादमात्रं प्रायश्चित्तम्।

स्त्रीणामर्धं प्रदातव्यं पुत्राणां रोगिणां तथा ।
पादो बालेषु दातव्यः सर्वपापेष्वयं विधिः ॥ ५३५ ॥

इति विष्णुस्मरणात्। अतश्च यच्छङ्खेन —

ऊनैकादशवर्षस्य पञ्चवर्षात्परस्य च।
प्रायश्चित्तं चरेद्भ्राता पिता वाऽन्यः सुहृज्जनः ॥ ५३६ ॥

इति प्रतिपाद्योक्तम् —

अतो बालतरस्यास्य नापराधो न पातकम्।
राजदण्डो न तस्यास्ति प्रायश्चित्तं न विद्यते ॥ ५३७ ॥

इति तदपि संपूर्णप्रायाश्चित्ताभावप्रतिपादनपरम्। न पुनः सर्वात्मना तदभावप्रतिपादनपरम्। क्वचित्सत्यपि हिंसानिमित्ते उपकारार्थं प्रवृत्ते दोषाभावमाह। मिताक्षरायां संवर्तः —

बन्धने गोश्चिकित्सार्थे गूढगर्भविमोचने। [Page 28]
यत्ने कृते विपत्तिश्चेत्प्रायश्चित्तं न विद्यते ॥ ५३८ ॥
औषधं स्नेहमाहारं ददद्गोब्राह्मणादिषु।
दीयमाने विपत्तिः स्यान्न स पापेन लिप्यते ॥ ५३९ ॥
दाहच्छेदशिराभेदप्रयत्नैरुपकुर्वताम्।
प्राणसंत्राणसिध्यर्थं प्रायश्चित्तं न विद्यते ॥ ५४० ॥

इति प्रायश्चित्ताभावाद्दण्डाभावो बोध्यः। एतन्निपुणभिषग्विषयम्। इतरस्य दण्डः पूर्वमुक्तः। इति ब्राह्मणवधदण्डनिरूपणमिति वधपदेन पठ्यनुमात्रनिषेधः। नित्यं मद्यं ब्राह्मणो वर्जयेत्।

सुरा वै मलमन्नानां पाप्मा च मलमुच्यते।
तस्माद्ब्राह्मणराजन्यौ वैश्यश्च न सुरां पिबेत् ॥ ५४१ ॥

इति त्रैवर्णिकविषयः सुरानिषेधः। तत्पाने दण्डमाह याज्ञवल्क्यः। अथ सुरापाने याज्ञवल्क्यः दण्डः।

सुराम्बुघृतगोमूत्रपयसामग्निसंनिभम्।
सुरापोऽन्यतमं पीत्वा मरणाच्छुद्धिमृच्छति ॥ ५४२ ॥

अग्निसंतप्तमेकं पीत्वा म्रियतेत्यर्थः। गोमूत्रसाहित्यात् घृतं पयश्च गव्यम्। पयः साहित्याद्गोमूत्रं स्त्रैणम्। मनुः —

पयो घृतं वाऽऽमरणाद्गोशकृद्रसमेव वा ॥ ५४३ ॥

देवलस्तु। रूप्यताम्रहेमसीसानामन्यतममग्निकल्पं पीत्वा शरीरपरित्यागात्पूतो भवतीत्याह पैठीनसिः —

सुराप आर्द्रवासाश्च अग्निवर्णां सुरां पिबेत् ॥ ५४४ ॥

रेतःसेकः कुमारीषु स्वयोनिष्वन्त्यजासु च ।
सख्युः पुत्रस्य च स्त्रीषु गुरुतल्पसमं विदुः ॥ ५५९ ॥

इति मनुस्मरणात् । रेतःसेकात् प्राक् न गुरुतल्पसमत्वम् । तथा —

पितुः स्वसारं मातुश्च मातुलानीं स्नुषामपि ।
मातुः सपत्नीं भगिनीमाचार्यतनयां तथा ॥ ५६० ॥
आचार्यपत्नीं तनयां गच्छंस्तु गुरुतल्पगः ।
लिङ्गं छित्वा वधस्तत्र सकामायाः स्त्रिया अपि ॥ ५६१ ॥

तस्य लिङ्गं छित्वा राज्ञा वधः कर्तव्यः। दण्डार्थं प्रायश्चित्तं च तदेवेति विज्ञानेश्वरः । चशब्दाद्राज्ञीप्रव्रजितादीनां ग्रहणम् । यथाऽऽह नारदः —

माता मातृष्वसा श्वश्रूर्मातुलानी पितृष्वसा ।
पितृव्यसखिशिष्यस्त्री भगिनी तत्सखी स्नुषा ॥ ५६२ ॥
दुहिताचार्यभार्या च सगोत्रा शरणागता ।
राज्ञी प्रव्रजिता धात्री साध्वी वर्णोत्तमा च या ॥ ५६३ ॥
आसामन्यतमां गत्वा गुरुतल्पग उच्यते ।
शिश्नस्योत्कर्तनं दण्डो नान्यस्तत्र विधीयते ॥ ५६४ ॥

इति । अयं च दण्डो ब्राह्मणव्यतिरिक्तस्य ।

न जातु ब्राह्मणं हन्यात्सर्वपापेष्वपि स्थितम् ॥ ५६५ ॥

इति । तस्य वधनिषेधात् तस्य तप्तेऽयः शयने स्वप्यादित्यादिनोक्तं मृत्युरूपं प्रायश्चित्तं व्रतमेव दण्डः । प्रायश्चित्तस्योभयरूपत्वात् । बृहद्विष्णुः । सगोत्राया उत्तमवर्णाया रजस्वलायाः प्रव्रजिताया निक्षिप्तायाश्च गमनमित्येनान्यनुपातकानि । यदा पुनरेताः स्त्रियः सकामाः सत्य एतानेव पुरुषान्वशीकृत्योपभुञ्जते । तदा तासामपि पुरुषवद्दण्डः । प्रायश्चित्तं च यमोऽपि —

मातृष्वसा मातृसखी दुहिता च पितृष्वसा ।
मातुलानी स्वसा श्वश्रूर्गत्वा सद्यः पतेद्द्विजः ॥ ५६६ ॥

[Page 30]

इति । अथ संसर्गिणां दण्डः । अत्रापि प्रायश्चित्तानुसारेण दण्डः कल्प्य इति राज्ञा यथाशास्त्रं सभ्यानुमतेन कृतदण्डानां पापिनां न केवलं पापक्षयः किं तु स्वर्गप्राप्तिरपीत्याह मनुः —

राजभिः कृतदण्डास्तु कृत्वा पापानि मानवाः ।
निर्मलाः स्वर्गमायान्ति सन्तः सकृतिनो यथा ॥ ५६७ ॥

इति गुरुतल्पदण्डनिरूपणम् । एवं व्यवहारदर्शनेन राज्ञ ऐहिकमामुष्मिकं च फलं भवतीति प्रपञ्चितं प्राक् । व्यवहारदर्शने तु दोषमाह मनुः —

धर्मो विद्धस्त्वधर्मेण सभां यत्रोपतिष्ठते ।
शल्यं चास्य न कृन्तन्ति विद्धास्तत्र सभासदः ॥ ५६८ ॥
पादोऽधर्मस्य कर्तारं पादः साक्षिणमृच्छति ।
पादः सभासदः सर्वान्पादो राजानमृच्छति ॥ ५६९ ॥

कर्तृपापस्य पाद इत्यर्थः । नारदेन सभ्यविषयेऽपवाद उक्तः —

न्यायमार्गादपेतं तु ज्ञात्वा चित्तं महीपतेः ।
वक्तव्यं तत्प्रियं नात्र न सभ्यः किल्बिषी भवेत् ॥ ५७० ॥

तत्प्रियं राजप्रियम् । यदि राजप्रियं वदेत्तदा प्रत्यवायः । तथा —

अधर्मतः प्रवृत्तं तं नोपेक्षेरन्सभासदः ।
उपेक्षमाणाः स नृपा नरकं यान्त्यधोमुखाः ॥ ५७१ ॥
अन्यायेनापि तं यान्तं येऽनु यान्ति सभासदः ।
तेऽपि तद्भागिनस्तस्मात् बोधनीयः स तैर्नृपः ॥ ५७२ ॥

इति । याज्ञवल्क्योऽपि —

सभा वा न प्रवेष्टव्या वक्तव्यं वा समञ्जसम् ।
अब्रुवन्विब्रुवन्वाऽपि नरो भवति किल्बिषी ॥ ५७३ ॥
अदण्ड्यान्दण्डयन्राजा दण्ड्यांश्चैवाप्यदण्डयन् ।
अयशो महदाप्नोति नरकं चैव गच्छति ॥ ५७४ ॥

तथा मात्स्ये —

योऽवध्यस्य वधे तावान्तावान्वध्यस्य रक्षणे ।
अधर्मो नृपतेर्दृष्ट एतयोरुभयोरपि ॥ ५७५ ॥

इति ।

इति श्रीमन्महाराजाधिराजक्षात्रियकुलावतंससिंहासनाधीश्वरश्रीशंभुराजछत्रपतिविरचिते ग्रन्थे बुधभूषणे श्रीमत्पुरोहितदामोदरभट्टात्मजकेशवपण्डितविरचितधर्मकल्पलतान्तर्गतनीतिमञ्जर्यां दण्डनीतिप्रकरणम् ।

श्रीरस्तु ॥ श्रीरामाय नमः ॥

शके राज्याभिषेकीये दुंदुभसंवत्सरे लिहमिदं पुस्तकम् ।



नामसूचिः ।